DEPARTMENT OF
ECOLOGY
State of Washington

Concise Explanatory Statement

Chapter 173-182 WAC

Oil Spill Contingency Plan

Summary of rule making and response to comments

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Concise Explanatory Statement

Chapter 173-182 WAC
Oil Spill Contingency Plan

Spills Prevention Preparedness and Response Program
Washington State Department of Ecology
Olympia, Washington 98504-7600

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Introduction

The purpose of a Concise Explanatory Statement is to:

- Meet the Administrative Procedure Act (APA) requirements for agencies to prepare a Concise Explanatory Statement (RCW 34.05.325).
- Provide reasons for adopting the rule.
- Describe any differences between the proposed rule and the adopted rule.
- Provide Ecology's response to public comments.

This Concise Explanatory Statement provides information on The Washington State Department of Ecology's (Ecology) rule adoption for:

Title:	Oil Spill Contingency Plan
WAC Chapter(s):	173-182
Adopted date:	December 14, 2012
Effective date:	January 14, 2012

To see more information related to this rule making or other Ecology rule makings please visit our web site: www.ecy.wa.gov/lawsandrules

Reasons for Adopting the Rule

Chapter 90.56 RCW broadly authorizes rules on matters relating to oil spill planning, reporting, response, treatment, disposal, and equipment. RCW 88.46.060 specifically authorizes rules for contingency plans, and now requires the rules to be reviewed and updated every 5 years.

New Legislative Direction:
This rule making amends Chapter 173-182 WAC to reflect changes found in E2SHB 1186, amending Chapters 90.56, 88.46, and 90.48 RCW in 201. Rule revisions are needed to update planning standards to ensure that the State has a response system that can operate safely and continuously at night, and during inclement weather conditions, such as, rain, fog, waves and high currents. The rule making will:

- Update state oil spill preparedness planning standards to incorporate best achievable protection and best available technology.
- Enhance the state's current vessels of opportunity system.
- Require joint large-scale equipment deployment drills for vessel plan holders.
- Improve the state-required notification process to include potential spill threats as well as actual spills.
- Change contingency plan requirements for nonprofit "umbrella" organizations.
- Update definitions.
- Make other changes related to oil spill contingency plans and Ecology's contingency plan review and approval process.

Differences Between the Proposed Rule and Adopted Rule

RCW 34.05.325(6)(a)(ii) requires Ecology to describe the differences between the text of the proposed rule as published in the *Washington State Register* and the text of the rule as adopted, other than editing changes, stating the reasons for the differences.

There are some differences between the proposed rule filed on 8/14/12 and the adopted rule filed on 12/14/2012. Ecology made these changes for all or some of the following reasons:

- In response to comments we received.
- To ensure accuracy, clarity and consistency.
- To meet the intent of the authorizing statute.

The following content describes the changes and Ecology's reasons for making them.

WAC 173-182-030 Definitions

Additional language was added to the definition of "Best Achievable Technology" to ensure the definition in the rule is consistent with the definition in the authorizing statute. The change was made for consistency and in response to comments we received.

The final rule includes a new definition of the "Lower Columbia River," defined as the Columbia River waters west of the Bonneville Dam. This definition was added to define the region where updated vessel of opportunity and aerial surveillance requirements apply.

WAC 173-182-130 Phase in language

This section was revised to include umbrella plan holder requirements to both update their contingency plans to specify the worst case discharge volume and product type for tank and nontank covered vessels for each port covered by the contingency plan, and include processes for maintaining additional agreements for supplemental resources. The phase in of these elements was omitted from the initially proposed language.

The phase in for the aerial surveillance planning standard has been changed. Initially proposed as within 36 months of the rule effective date, the phase-in for the aerial surveillance asset with FLIR is now written as a two step process. Step one involves submitting a proposal to Ecology for review 36 months from rule effective date. Once approved by Ecology plan holders must update the plan and ensure as necessary; contracting, staging, or purchasing is completed within 48 months. The two step phase-in supports plan holders ability to comply as well as public comment and review of the proposed systems.

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

(2)(f)(i) Was edited to clarify the types of changes in facility operating procedures which require notification to Ecology. Change was made in response to comments received.

WAC 173-182-145 Plan implementation procedures

Subsection (2) was eliminated due to comments received regarding confusion as to what would constitute not following the contingency plan as written. The changes made to this section do not alter the meaning of the rule.

WAC 173-182-230 Contingency plan general content

This section was revised to more clearly describe plan holder requirements to ensure adequate detail in the contingency plans regarding oil products covered in the plans. The change was made in response to comments received.

The acronym P&I Club (Protection and Indemnity Club) was spelled out based on comments received.

WAC 173-182-232 Requirements for vessel umbrella plans maintaining additional agreements for supplemental resources

The word "combined: was added to clarify how supplemental resources are made available under the umbrella contingency plan framework. The change was made based on comments received.

WAC 173-182-262 Vessel notification requirements for a discharge or substantial threat of a discharge

Subsection (3) was edited for clarity.

WAC 173-182-264 Notification requirements for facility spills to ground or containment that threaten waters of the state

This section was edited to clarify circumstances that do not require notification for spills to ground. Notifications currently regulated by other laws and rules were eliminated from this regulatory notification requirement.

The phrase "best professional judgment" was added to describe how to address a spill of unknown volume. This is commonly used language in other reporting requirements.

WAC 173-182-315 Facility planning standards for nondedicated work boats and operators

This section was edited to be consistent with the description of the tactics vessels of opportunity can support as described in WAC 173-182-317.

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

This section was amended to clearly state that potential vessels of opportunity may contract to support more than one plan holder or PRC. This clarifies the intent to support plan holders sharing the costs of training and contracting. This change was based on comments received.

A reference to the VOO region map was added to the final rule language. This change was based on comments received.

The phrase "in the near shore environment" was added to be consistent with the authorizing statute. The change was based on comments received.

The minimum number of TIER I VOO required in the Grays Harbor VOO region changed from 12 to 6. This change was made to scale the VOO requirement based on the vessels types and transits in the region.

WAC 173-182-321 Covered vessel planning standards for aerial surveillance

This section was revised to define the geographic area where the standard applies. This change was made based on comments received.

In subsection (3) we changed the language from assist in "detection" of slicks to "location" of slicks. Location better describes the action required. This change was made based on comments received.

Changed the requirement for the aerial asset with FLIR to arrive on scene from 8 to 12 hours of notification. We received comments that the planning asset did not need to be on-site before 12 hours. We changed the time to arrive to 12 hours to allow plan holders added flexibility in contracting existing aerial assets with this capability, instead of acquiring an asset themselves. We also did not want the short timeframe to force plan holders to acquire the asset. The longer timeframe should also allow the resource to be non-dedicated to oil spill response. This change was made based on comments received.

Eliminated the detailed capability statements for the FLIR camera to provide plan holders with more flexibility in meeting the standard. We are instead requiring the FLIR to be mounted, which inherently has capabilities, or in the alternative to provide data supporting how the handheld unit will be effective from an aerial platform. This change was based on comments received.

Removed the requirement to transmitted processed images in "near real" time. We eliminated this requirement due to confusion about what it means to transmit in near real time. Our goal is the ability to provide data to the command post that supports planning for the next operational period. The resource must have this capability but the timeliness of transmission is no longer prescribed in the rule.

Subsection (3) (vi) removed the word "appropriate" because it was not defined and not necessary to support the item. This change was made based on comments received.

Subsection (4) we struck "enough" from the final language because it is not defined. This change does not alter the meaning of the rule. The standard is about training and not numbers of personnel. This change was made based on comments received.

WAC 173-182-324 Planning standards for Group 5 Oils

Clarified the types of activities covered by the standard. Our intent is for the standard to apply to both facilities and vessels.

Amended subsection (2). The Group 5 standard was adopted from the federal Group 5 oil standard into our rule. We struck the following language "must be suitable for the geographic area authorized for operations and those resources" because it is a federal term of art. We do not evaluate our PRC's on geographic areas. We evaluate planning standards for geographic areas. These changes were made in response to comments received.

WAC 173-182-335 Planning standards for storage
Clarified that the dedicated on-water storage requirement applies to covered vessel plan holders, at 24 hours based on the applicable planning standard tables for the areas they transit or operate. The change was made based on comments received.

WAC 173-182-350 Documenting compliance with the planning standards
Subsection (5)(a) includes a phrase to inform plan holders of the types of data that must be submitted in order to satisfy an alternative notification, mobilization or travel time request.

WAC 173-182-522 Covered vessel planning standards for shoreline cleanup
Clarified training requirements and changed the language to allow any mobile storage cache, not just a trailer, to be used to meet the requirements.

WAC 173-182-621 Oil spill contingency plan best achievable protection five-year review cycle
Struck the language "requiring studies" as it was ambiguous who would be required to perform the studies.

WAC 173-182-640 Process for public notice and opportunity for public review and comment period
Struck the language describing how Ecology will make plans available for public review via a secure on-line web portal. Ecology will make plans available on-line but are mindful to avoid prescriptive language in the rule which could limit the use of new technologies should they change in the future.

WAC 173-182-810 Content submittal and review of contractor applications
Changed the rule to more clearly reflect that PRCs are responsible to train specific to the tactics the PRC intends to perform on behalf of the plan holder.

WAC 173-182-820 Significant changes require notification
Clarfied when significant changes in PRC readiness require notification.

Response to Comments

Ecology accepted comments during the formal public comment period between August 14th, 2012, and October 4th, 2012. A number of comments came in after the October 4th deadline; Ecology chose to respond to those comments through October 12th. Comments received after the 12th were not accepted.

Comments and Response by Topic:

The responses are organized by topic and commenter. Each response indicates how the final rule reflects agency consideration of the comments received.

Description of comments:

Ecology reviewed each comment letter and separated out comments from each letter by subject matter. Those comments were paraphrased using as little editing as possible. Each comment is identified by commenter using the Commenter Index below (page 145). Responses and comments are on the same line in a table format . If several comments were related and on the same topic, then one response was used and a line number was provided as a reference. Appendix A of this document contains all of the comments received during the public comment period in their original form.

Line	Name of Commenter(s)	Comments Note: Language shown as a strikeout or underline was submitted that way as part of the comment.	Responses
WAC 173-182-010 Purpose			
1	Joe Bowles, Marine Spill Response Corporation	This new section is mostly redundant with current Section 173-182-310. While the portion stating "so that all reasonable efforts are made to do so" is new, it is ambiguous and unnecessary.	We considered this comment but feel this language is relevant to how contingency plans are used. No changes were made to the final rule language based on this comment.
WAC 173-182-030 Definitions			
2	Chris Wilke, Puget Soundkeeper	We suggest deleting "to mitigate…. Shorelines". It is recovery, not mitigation that is the goal, and we note that the necessary action may not immediately involve shorelines.	This definition supports the shoreline cleanup standards. The definition is relevant to maintain in its current form. Please see the shoreline clean up planning standard at WAC 173-182-522 for the context of this definition.
3	Frank Holmes on behalf of Western States Petroleum Association	Best Achievable protection still references "costs of measures" this should be "cost benefit of measures"	This definition is adopted to match the definition in the authorizing statute. The law uses the term "cost of measure" not "cost benefit of measure". No change was made based on this comment.
4	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Page 16 WAC-173-182-220 (Binding agreements) Parts (2)(a) and (c); Page 19 WAC 173-182-232 (Umbrella plans) Part (1); and Page 19 WAC 173-182-240 (Field documents) Part (1) refer to a "substantial threat(s) of a spill" which is further described on Page 21 in WAC 173-182-262 (Notification) Parts (1, 3 and 5). We suggest that a more precise definition, in particular of the word "substantial" could be usefully added to the initial definition section of the rules.	In a previous draft of the rule we defined substantial threat. The rule advisory committee requested that we remove the definition because it was overly prescriptive. Substantial threat will not be defined in the final version of the rule but will be further defined by each plan holder based on the operations covered in their plan.

5	Chad Bowechop, Manager Makah Office of Marine Affairs	Continuous operations – this explicit goal of the legislature should be defined to include the role of storage to achieve objective.	We did not define continuous operations in the rule. We believe the rule update supports the legislative goal based on the numerous types of oil spill response operations covered in the plans, including; recovery, storage, aerial surveillance, and shoreline clean up. The plans are designed to reflect plan holder capabilities for all types of operations in support of the goal of continuous operations.
6	Chad Bowechop, Manager Makah Office of Marine Affairs	Good Faith Effort – is a term only used to define why an alternative to establishing a VOO can be considered, but it is never defined. We believe that it is imperative in this context that it explicitly includes appropriate compensation for the activity.	The alternative is based on the plan holder being able to show a good faith effort to contract vessels of opportunity. The definition of "good faith" is honest intent to act without taking an unfair advantage over another person or to fulfill a promise to act, even when some legal technicality is not fulfilled. The term is applied to many different types of transactions. Good faith effort is a legal term of art which changes over time. We do not feel it is necessary to define "good faith" in the final version of the rule.
7	Chad Bowechop, Manager Makah Office of Marine Affairs	Unconventional Oils – some reference is needed to recognize the diversity of oil types and characteristics that are transported through Washington waters as a result of Alberta tar sand exports that are subject to this rule.	We did not add a definition for unconventional oils. The method of extraction of oil is less important than the physical properties and characteristics of the oil. Based on concerns regarding oil properties and types we enhanced our requirements to require additional detail about the oils covered in the plans. Alberta tar sands exports as well as tar sands from other areas are covered by the rule.

8	Chad Bowechop, Manager Makah Office of Marine Affairs	Alternative Compliance – needs clarification as to how determination of comparable protection is made.	We are not adding a definition of alternative compliance. Alternative methods of evaluating planning standards are described in WAC 173-182-620 and alternatives are subject to public notification, review and comment periods. Ultimately, the determination of comparable protection is made by Ecology.
9	Chad Bowechop, Manager Makah Office of Marine Affairs	Navigable waters of the state and Waters of the state, both need to include all marine and river waters to the borders with British Columbia and Oregon.	These terms are defined in law at 90.56.010(15) and 90.56.010(26).
10	Chad Bowechop, Manager Makah Office of Marine Affairs	Define "Northwest Area Contingency Plan (NWACP)" means the regional emergency response plan developed in accordance with federal and state requirements. In Washington State, the NWACP serves as the statewide master oil and hazardous substance contingency plan required by RCW 90.56.060.	This is defined in the existing regulation. This has not changed from the existing approved rule language, and the definition will be maintained in its current form in the updated rule.
11	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Page 5-6 WAC-173-182-030 (Definitions) Parts (29), (30) and (41) define "persistent" and "non-persistent" oils respectively. We generally agree with the definitions used for petroleum-based oils, whether they refer to the boiling point ranges, the specific gravity/ API or groupings. However, we are not aware of the use of the same groupings for non-petroleum oils given the very different weathering behavior that might be expected of these oils….	The definition used in our rule is consistent with the federal definitions of persistent and non-persistent petroleum and non-petroleum oils found in 40 CFR 112.

12	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Page 2 WAC 173-182-030 (Definitions) Part (3) on "best achievable protection" does not adequately integrate the concept of "reasonable" response. "Cost" is mentioned as a consideration in part (3c), but we consider this should be elaborated to avoid a situation where best protection is achieved at any cost. In other words, as one moves up the scale of protection from poor to adequate to best achievable, the success of further improvements should to be weighed against the additional costs. Such terms as "Cost effectiveness" or "Cost-benefit" could perhaps be included usefully in the definitions.	See response line 3.
13	Joe Bowles, Marine Spill Response Corporation	This does not track with the RCW definition of BAT, as it does not refer to "processes that are currently in use."	Change made to exactly match the definition for best achievable technology found in the authorizing statute.
14	Chad Bowechop, Manager Makah Office of Marine Affairs	Expand the definition of BAT at 172-182-030(4) to specify that Ecology will issue written findings on BAT determination. Include operating environment as an analytic parameter for BAT analyses, and specify appropriate operating environments when making BAT determinations	The definition of best achievable technology (BAT) and best achievable protection (BAP) were adopted in rule to exactly match the definitions in the law. Additionally, we created the 5 year best achievable protection cycle to further define how we will evaluate BAP and BAT. Using this process we may conduct studies, issue written findings, or our findings may result in a rule update.
15	Carol Bernthal, Olympic Coast National Marine Sanctuary	Why not capitalize Ecology "the department"? It reads weird with the small "e". Also, in some places "the department" is used. Not a big deal and I suspect you're trying to avoid such little changes.	Thank you for your comment - the agency construct is to use "ecology" instead of "Ecology".

16	Stephanie Barton, Director, NRC Environmental Services Inc.	Recommended revised language (((52))) (63) "Vessels of opportunity response system" means nondedicated vessels and operating personnel, including fishing and other vessels, that may be available to assist in spill response when necessary. In order to qualify for use in spill response, The vessels of opportunity must be registered with Ecology, have necessary insurance to perform spill response activities, be available to any plan holder or PRC and sign a hold-harmless agreement with the requesting entity prior to engaging in spill response activities ~~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.~~	The definition for the "Vessels of opportunity response system" is identical to the definition found in the authorizing statute. Since the law directed Ecology to enhance our VOO planning standards no change was made to the language based on your comment. Individual plan holders or PRCs may set the contracting terms for VOO. Ecology has not set VOO contracting terms in this rule.
WAC 173-182-130 Phase in language			
17	Frank Holmes on behalf of Western States Petroleum Association	TYPO – (2) info on products handled. Note reference is to 173-182-260(4)I(ii); this should be 73-182-230	Your requested change has been made.
18	Dave Panco	173-182-130 Phase in language refers on page 11 at (2)I to "Contingency plan general content (WAC 173-182-260 (4) (2) (ii)), products handled" - believe you may intend this to read "(WAC 173-182-230 (4)I(ii))" At (3) (a)(iii) on page 12, refers to "(WAC 173-182-230(6)(a)(1-7)" - believe you may intend this to read "(WAC-182-230 (6)(a)(i-viii))"	Your requested change has been made.

19	Carol Bernthal, Sanctuary Superintendent, Olympic Coast National Marine Sanctuary	Although OCNMS would like to see all revisions to the rule implemented as soon as possible, we understand that a phased approach is practical. OCNMS supports the vessel of opportunity (VOO) for Region 1 (Cape Flattery/Strait of Juan de Fuca) and Neah Bay staging area 4-h standard being required within 18 months, rather than later. OCNMS also supports the Region 6 (Grays Harbor) VOO and the new 4h planning standards but recommends phase in of these standards sooner than 48 months.	Unfortunately, based on the many new equipment purchases and requirements of this rule we could not change the phase in date for this equipment.
20	Stephanie Barton, Director, NRC Environmental Services Inc.	WAC 173-182-130 Phase in language. *Delete all references to VOO requirements.*	The authorizing statute specifically directed Ecology to conduct a rulemaking to enhance the vessel of opportunity system. We feel it is necessary to maintain the language as written to ensure we are meeting the legislative intent for the rulemaking.
21	Chad Bowechop, Manager Makah Office of Marine Affairs	Each plan update will be given a 30-day public notification, review and comment period. Ecology will approve, disapprove or conditionally approve the plan update no later than 65 days from the plan submittal date. Conditional plan approval is only to last for 90 days before needing to be renewed with appropriate public notification and review.	No changes to the rule language were made based on your comment. Conditional approval is further described in WAC 173-182-630. Your requested change would have contradicted that section.
WAC 173-182-142 Significant changes to approved plans require notification			
22	Ty Gaub, U.S. Oil and Refining Company	Recommend this paragraph be rewritten to read "Notify ecology in writing within twenty-four hours of becoming aware of the change." As a practical manner we may not always be aware of a change when in it occurs…	This is implied that you cannot notify of a change until you are aware of it. Additionally, this speaks to awareness of the plan by plan holders and their teams, and the importance of keeping the plan maintenance person aware of all significant issues.

23	Ty Gaub, U.S. Oil and Refining Company	…compliance with this broadly written provision could be interpreted to include notification for all sorts of routine events including (but not limited to) the following examples: refinery process unit turnarounds, catalyst change outs- which affect product processing operations, taking tanks out of service for inspection/maintenance, switching around the types/volume of crude oil/products stored in tanks, which occurs frequently in response to fluctuations in market/production conditions, changes in seasonal fuel specifications (ie., summer vs. winter gasoline's), routine piping changes, receipt of any new crude oil or product cargoes regardless of their physical/chemical properties, etc. Rewrite this requirement so that it better reflects Ecology's intent, adds value, is workable/not burdensome.	We clarified this language to more clearly require information in the plan that pertains to how the plan will be used to prepare for responses based on the operations covered in the plan.
24	Frank Holmes on behalf of Western States Petroleum Association	(2)(i) Reads "for facilities changes in oil type handled; changes in storage, capacity and tankage; changes in handling or processing of any product" This appears way too broad and vague. For example, does this mean changes in operational use of tanks (ie., shifting products from one tank to another)? What if a tank is out of service for storage? "Handling and processing of any product" gets into the operations of the facility. The issue here seems to be if the types of oils change, or if there are significant changes in storage capacity (which would change potential spill volumes) then these should be reported. Would suggest this section to be amended to require reporting changes of >10% of storage capacity, or the addition or removal of any oil group that is handled, processed or stored.	See response line 23

25	Frank Holmes on behalf of Western States Petroleum Association	(2)(d) Is this about the change in numbers of personnel or equipment, about a change in the qualifications of the personnel or the type/make/mark of the equipment being changed out? Does this grant WDOE a mechanism to approve of individuals?	Plan holders identify personnel who will staff command and general staff ICS positions in their contingency plans. We use this information to verify the minimum personnel staffing requirements for a plan holder spill management team, not minimum training requirements.
26	Frank Holmes on behalf of Western States Petroleum Association	(2)(b) Requires reporting for change if >10% of available equipment moved from home base. However, (c) requires notifications for ANY quantity moved out of region. First, is this an issue for OSRO's? If so, might suggest (b) and (c) be consolidated so that only transfers out of area of >10% of equipment type are reportable	This requirement is specific to plan holder owned equipment. We want to know that the plan holder is aware of how their equipment meets the planning standards. Additionally, we want plan holders to notify us if there are significant changes in their equipment capability such as equipment moves or equipment out for maintenance. Notification is required because these events may impact the plan holder's ability to meet the planning standards.
27	Joe Bowles, Marine Spill Response Corporation	First, there should be a consistent materiality standard, such as the 10% reduction standard used in subpart (2)(b). For example, this same 10% standard could be applied to subpart (2)(c), as not every transfer of equipment for an out of region response may be significant enough to be of concern to Ecology, and/or applied to subpart (f), where Ecology could ask to be notified of any contract cancellation reducing resources by 10% or greater.	See response line 26

28	C. Kent Roberts, Schwabe Williamson & Wyatt	…eliminate the requirement at WAC 173-182-142(1)(e) to notify WDOE when the person signing the binding agreement leaves employment and to replacethe binding agreement with a new signatory. I reiterate that request…. suggested addition to WAC 173-182-142(1), delete subparagraph (e):"(e) Permanent loss of personnel designated as the binding agreement signer;"WAC 173-182-230, add a new subparagraph "(8) Each plan shall designate a person or persons as the plan holder's plan administrator who is to be ecology's primary contact for plan content and administration. The plan holdershall notify ecology within three business days of any temporary or permanent change to the plan holder's designated plan administrator(s)."	The binding agreement signer is the individual who obligates implementation of the plan and access to funds to implement the plan. We need to be made aware of the loss of the binding agreement signer to ensure proper administration of the plan. No change was made to the rule language based on your comment.
29	Chad Bowechop, Manager Makah Office of Marine Affairs	Significant changes to approved plans require notification. <u>Any significant changes lasting longer than three days requires public notification.</u>	The significant change isn't the issue. How the significant change affects the plan is the issue. If a change resulted in the plan being put into conditional approval that would be posted. See WAC 173-182-640 for additional detailed information.

30	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Page 14 WAC-173-182-142 (Significant changes) Part (2)(b) requires notification if greater than 10% of equipment is moved out of the base and Part (2)(c) refers to equipment moved out of the region. What does this mean for stockpile management during a local spill when equipment is put to use? Does it have to be replaced even before it can be cleaned and returned to the stockpile? We are unclear as to whether this part of the rule refers to the waters covered by the respective PRC, the waters of Washington State, the Pacific Northwest or the US West Coast? Does the "10%" refer to a share of any one type of item or 10% of the total stockpile? How is this measured? If one from nine skimmers and two from 100 boom segments are moved away, is this more or less than 10% in total?	This standard applies to equipment moves out of homebase or out of region for the purposes of verifying plan adequacy. If a large scale oil spill response requires cascading resources, unified command would be formed and, as necessary, discussions with all plan holders that are affected by the equipment moves could occur. This language does not imply that equipment moves will not occur. The language is not prescribing timeframes for returning equipment, only notification of equipment moves for equipment relied up to meet Washington state contingency planning standards. The requirement to backfill and timeframes for returning equipment will be determined on a case by case basis.
WAC 173-182-145 Plan implementation procedures			
31	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Page 15 WAC-173-182-145 (Plan implementation) Part (2)(b) allows a spill response to deviate from the plan in response to unforeseen conditions to avoid additional environmental damage. In our experience and despite the best planning arrangements, the response to a pollution incident is often unforeseen and the results of decisions made to address these unforeseen events are themselves often unforeseen….it would be helpful if the Department could define the term 'unforeseen' and to qualify further the occasions in which deviation from the plan can occur….	The decision to use specific equipment in a spill is based on the needs of the response. Based on your comment we eliminated this language as it is unnecessary and confusing.

WAC 173-182-230 Contingency plan general content			
32	Frank Holmes on behalf of Western States Petroleum Association	(3)(e)(v) Does this include the specifics of the contract such as payment or just a receipt that there is a contract available? What is the purpose of seeing the entire contract?	We are interested in seeing the contract terms. Such as how quickly identified resources commit to respond and the number of people available to respond. Reviewing the costs associated with the contract services is not the intention of seeing the entire contract.
33	Frank Holmes on behalf of Western States Petroleum Association	(4)(c)(ii) Added requirement that facility plans "inventory all tanks and list tank capacity, all oil(s) or product(s) handled by name and include; density, gravity (API), group" May just need some punctuation, but is intent here to get a list of tanks and their capacities, as well as separate list of the types of oils and products handled (not a big problem- see above) OR is the intent to link the two and get the type of product for a specific tank? The latter would be problematic in that tankage can change frequently, which would put and administrative burden on constantly updating a plan.	The intent of this language is to get an inventory of tank capacities. Additionally, we are looking for an inventory on all products handled. This does not need to be specific to each tank. We have added punctuation and modified the language to more clearly reflect what is required in the plan.
34	Frank Holmes on behalf of Western States Petroleum Association	(5)(f) For vessels, replaced former language requiring listing oil types and oil volume capacity with listing by name, density, gravity, and group as well as "amount carried as cargo or fuel." Uncertain as to what is meant, and the amount of detail expected, for "amount carried as cargo and fuel." Is that general ship capacity, or for each load/transit?	Intent is for an inventory of tank capacities. Additionally, we are looking for an inventory of all types of products handled. This does not need to be specific to each tank. General ship capacity is sufficient to meet this standard. We have added punctuation and modified the language to more clearly reflect what is required in the plan.

35	Frank Holmes on behalf of Western States Petroleum Association	(6)(g) Reads "vessel diagrams indicating cargo, fuel, and ballast tanks and piping, power plants, and other oil transfer sites and operations". Will a ship's particulars work or is this requiring potential proprietary ship design info?	We made no changes to (6)(g) in this rule update. (6)(g) Is existing approved language. Currently ships particulars satisfy this requirement and they will continue to satisfy this requirement.
36	Frank Holmes on behalf of Western States Petroleum Association	In 4ii after the words inventory tank …. Add the word "of" all oils. After the word Group …. Add the word number. Please consider whether the words density and gravity mean the same thing and if both are needed.	We clarified this language. We continue to ask for both density and API gravity as they each have their place.
37	Carol Bernthal, Sanctuary Superintendent, Olympic Coast National Marine Sanctuary	In -230(4)(ii) it appears the word "for" is missing between capacity and all.	Your requested change has been made.
38	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Page 17 WAC-173-182-230 (General content) Part (5)(f) requires, among other things, the listing of all oils on board a vessel, whether carried as cargo or fuel. This would appear to be an onerous burden, in particular given the changing quantities and great variety of non-cargo oils on board. Bearing in mind that the amount of oil carried as cargo will vary with each voyage and the amount of bunker oil onboard will decrease as the voyage progresses, it would be helpful if the Department could clarify the requirement. Should the plan specify the capacity of tanks on-board instead?	See response line 34
39	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Page 18 WAC-173-182-230 (General content) Part (5)(g) appears, from our reading, to make two separate and distinct requirements: the first part of the sentence requires details of the vessel layout while the second	Yes, these are two distinct requirements. We have added punctuation and modified the language to more clearly reflect what is required in the plan.

		part requires details of "oil storage and transfer sites and operations" which we take to mean activities in relation to an oil spill response. It would be helpful if the Department could clarify this part.	
40	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Page 18 WAC-173-182-230 (General content) Part (6)(a)(iii) refers to the "worst case discharge type and quantity" whereby "worst case" is defined previously (page 8) for a vessel as the sum of the entire cargo and fuel on board. Given that the entire list of cargo and fuel on board must already be listed in part (5)(f) on page 17, we suggest this may be a duplication of requirements? Further, given historical evidence which shows the vast majority of spills to be less than the total quantity of oil on board (i.e. the "theoretical worst case discharge"), we suggest that the inclusion of "reasonable/probable worst case scenario" would be more useful, whereby a more realistic spill quantity is estimated.	This is not a duplication of requirements. These requirements apply to different types of contingency plan holders. One section describes the requirements for an individual vessel plan holder and the other for a vessel umbrella plan holder. Under the law Washington state is required to plan for a worst case discharge. If you review the planning standard tables which specify the equipment requirements you will see these are scaled to a portion of the worst case discharge volume.
41	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Page 18 WAC-173-182-230 (General content) Part (6)(a)(iv) requires the listing of the name and API gravity of the densest oil on board the vessel. We suggest this may be a duplication of Part (5f) which requires a list of "all" oils by density, etc.	This is not a duplication of requirements. These requirements apply to different types of contingency plan holders. One section describes the requirements for an individual vessel plan holder and the other for an umbrella plan holder.

42	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Page 18 WAC-173-182-230 (General content) Part (7) requires a plan for claims management. We are unsure what is meant by this requirement? For example, how much detail is required in the plan to address this? Does this include pre-contracted capability that may be provided by the spill management team? We suggest this may be a duplication service that may be provided by the P&I Club? Does this preclude the ability of a claimant to submit claims directly to a P&I Club?	This requirement was added to comply with the law. Plan holders can choose to meet this requirement in a number of ways, including describing a pre-contracted capability or using their P&I club. The goal is to have a plan holder describe their process, and resources for managing claims in the plan.
43	Jerry Joyce, Advisor on Marine Issues on behalf of Seattle Audubon Society	The required content of a contingency plan requires the description of the types of oils handled (WAC 173-182-230 Contingency plan general content, item 4 c ii). This does not seem to require adequate descriptions of all potential oils, which include the properties of synthetic oils as well the variability of oils within one group. With so many different properties, lack of detail on potentially spilled oil could seriously hinder fast, safe, and effective response. Therefore, we recommend that Ecology include required detailed properties for all oils being handled in order to enhance the ability to respond to a spill of specific oil.	To address this comment and similar comments we added additional detail to WAC 173-182-230 requiring plan holders to submit information on the types of oils and the properties of the oils covered by the plan. WAC 173-182-310 discusses the planning standards used to determine the ability of a plan holder to meet the purposes of these regulations. The planning standards do not constitute cleanup standards that must be met by the plan holder of a contingency plan. Plan holders are responsible for responding to every spill, regardless of oil type and volume. This includes responses to sinking oils as well as responses to synthetic oils and diluted bitumen.
44	Howard V. Doherty, Jim McEntire, Michael C. Chapman,	Specifically address diluted bitumen and bunker oils, given their potential to significantly damage fish and shellfish ecosystems.	See line 43

45	Chris Wilke, Puget Soundkeeper	Finally, given the increasing export of tar-sand derived oil from Vancouver, BC, with further expansion planned… specify that diluted bitumen (dilbit) or synthetic crude is subject to this rule.	See line 43
46	Kenneth A. Dahlstedt, Chairman Skagit County Commissioners, Sharon D. Dillon, Commissioner Skagit County, Ron Wesen, Commissioner	Kinder Morgan intends to increase the export of crude oil from the Alberta Tar Sands considerably in the next few years, both via oil tankers as well as the TransMountain pipeline. The TransMountain pipeline delivers this crude oil to the refineries in Skagit County. These crude oil exports include diluted bitumen, a product known to result in particular challenging spills and costly clean-ups. Skagit County wants to ensure that diluted bitumen and all forms of synthetic crude are subject to the new Oil Spill Contingency Planning rule. In addition, Skagit County joins with the San Juan County Council and the WSAC Coastal Caucus in calling for stronger requirements for responses to Group 5 oils and other oils that can sink.	See line 43
47	Lovel Pratt, San Juan County Council	It is imperative that Ecology know what products are being regularly transported through the waters of the state, and all contingency plans must be specific to those products.....	Thank you for your comments. Changes to the rule address this issue. See line 43
48	Ken Crawbuck	This document should also specifically state that all Alberta Tar Sands/Canadian crude products including diluted bitumen and all forms of synthetic crude being transported by land-based pipelines also be subject to the rule.	See line 43

49	Stephanie Buffum, FRIENDS of the San Juans Donna Gerardi Riordan, Orcas NO COALition Becky Hellman, Lopez NO COALition Matt Krogh, North Sound Baykeeper, RE Sources for Sustainable Communities Terry J. Wechsler, Protect Whatcom Fred Felleman, Wave Consult	Require and ensure the ability to respond, contain and cleanup spills of hydrocarbons that sink. Potentially sinking hydrocarbons include Group V oils, bunker fuels, and diluted bitumen tar sands; Specifically require that all Alberta Tar Sands/Canadian crude products including diluted bitumen and all forms of synthetic crude being transported by land-based pipelines be subject to the Oil Spill Contingency Plan Rule;	See line 43
50	Lovel Pratt	The Oil Spill Contingency Plan Rule must require that the appropriate BAT and BAP containment and recovery gear and appropriate personnel be response-ready and on-site in a timely manner to respond to spills of oil that can sink. It is imperative that WAC 173-182 specify that Alberta Tar Sands products including diluted bitumen and all forms of synthetic crude are subject to the Oil Spill Contingency Plan Rule	See line 43
51	Rebecca Craven Program Director, Pipeline Safety Trust	In reviewing the proposed rule change, we noticed that the definition of oil in the existing and proposed state regulations varies from that in the federal Oil Pollution Act... Given the characteristics of tar sands and it derivatives, it caused us to wonder whether this limitation might unintentionally exclude from coverage some products transported in tankers or pipelines. It would be helpful to provide an explanation of this difference in definitions, and/or to reconsider the limitation and match the federal definition of oil.	See line 43

52	Fred Felleman, NW Consultant Friends of the Earth; Marcie Keever, Oceans & Vessels Project Director Friends of the Earth	Given the increase in tar sand derived oil being already being exported from Vancouver, BC and the further expansion planned, we urge Ecology to specify that diluted bitumen (dilbit) or synthetic crude are "oils" subject to this rule. Similarly, it is important that there are specific strategies for responding to bunker spills given that the proposed Gateway coal terminal is predicting close to 1000 additional transits of bulk carriers that have proven to exhibit a substantially higher level of risk than other carriers. These vessels can carry up to 4 million gallons of persistent bunker fuel that has been shown to have even greater toxicity to marine resources than crude oil based on findings from the Exxon Valdez and the Cosco Busan spills. The current rule calls for a protracted period of 12-hours to respond to sinking oils (Group V). The current timeframe needs to be significantly shortened...	See line 43. We adopted the federal Group 5 standard which requires equipment within 24 hours. We feel we are enhancing the capability by requiring equipment within 12 hours of notification. We may further review the timeframe to plan to have equipment on scene and appropriate types of equipment to respond to sinking oils using the BAP 5 year review cycle.
53	Lovel Pratt, Richard Peterson, Howard Rosenfeld, Richard Fralick, Patty Miller, Jamie Stephens, County Council San Juan County	Must specifically state that Alberta Tar Sands products including diluted bitumen and all forms of synthetic crude are subject to the Oil Spill Contingency Plan Rule.	See line 43
54	Geoffrey Prentiss, Hellen Machin-Smith, Jai Boreen	Require and ensure the ability to respond, contain and cleanup spills of oils that sink. Potentially sinking oils include Group V oils, bunker fuels, and diluted bitumen tar sands; Specifically state that all Alberta Tar Sands/Canadian crude products including diluted bitumen and all forms of synthetic crude being transported by land-based pipelines also be subject to the Oil Spill Contingency Plan Rule.	See line 43

WAC 173-182-232 Requirements for vessel umbrella plans maintaining additional agreements for supplemental resources			
55	Carol Bernthal, Sanctuary Superintendent, Olympic Coast National Marine Sanctuary	in -232(1) owner should be plural. Also, I don't think the umbrella plans "provide" response resources, but they define or identify them. Also, recommend adding "combined" as in "resources, and if those combined resources are sufficient to meet the requirements of this chapter."	We did not change the word "provide" in the rule language. Umbrella plan holders "provide" resources in the form of a local spill management team and response equipment resources that are under contract to the umbrella plan. We did add the word "combined" to the final rule language to address your requested change.
WAC 173-182-242 Additional requirements for vessel plan holders with access to the emergency response system at Neah Bay			
56	Howard V. Doherty, Jim McEntire, Michael C. Chapman, Board of Clallam County Commissioners	Specifically include the role of the response tug at Neah Bay	If a spill occurs, and the tug is available, it could be used to support a response. However, its primary mission is prevention and therefore it is not relied on to be part of a response task force for plan holders. If it is used in a spill and tug resources are not limited, it may be backfilled because other covered vessels transiting the strait rely on it to meet their contingency plan requirements.
57	Lovel Pratt, Richard Peterson, Howard Rosenfeld, Richard Fralick, Patty Miller, Jamie Stephens, County Council San Juan County	We support the inclusion of the Neah Bay Response Tug in the spill response task force	See response line 56

58	Fred Felleman, NW Consultant Friends of the Earth; Marcie Keever, Oceans & Vessels Project Director Friends of the Earth	We believe this rule misses a significant opportunity to improve our overall response capacity by not including the Neah Bay Response Tug, the most dedicated seaworthy vessel in the Makah Marina, into the spill response task force. The inclusion of a dedicated storage barge, combined with the Response Tug will also enable tankers to meet upcoming changes in federal regulations associated with moving the High Volume Port Line from Port Angeles to Cape Flattery. The current proposal gives no timeframe in which this major shortcoming will be filled even once the Makah Marina is enhanced...	See response line 56 Changes in equipment requirements or staging to meet the federal regulations associated with moving the high volume port line are outside the scope of this rulemaking.
59	Chad Bowechop, Manager Makah Office of Marine Affairs	This rule could be significantly improved by including the Neah Bay Response Tug to our overall response capacity. We recognize the Neah Bay Response Tug as the most seaworthy and resident vessel in the Makah Marina and should be incorporated into the spill response task force. The inclusion of a dedicated storage barge, combined with the Response tug, will also help tankers to proactively meet upcoming changes in federal regulations associated with moving the High Volume Port Line from Port Angeles to Cape Flattery.	See response line 56. Changes in equipment requirements or staging to meet the federal regulations associated with moving the high volume port line are outside the scope of this rulemaking.
WAC 172-182-262 Vessel notification requirements for a discharge or substantial threat of a discharge			
60	Carol Bernthal, Olympic Coast National Marine Sanctuary	in -262(3)(b), it seems to be missing "the vessel owner/operator will coordinate with"	Your requested change has been made.
61	Frank Holmes on behalf of Western States Petroleum Association	(1) "Notification must be made within one hour of the discharge or substantial threat of a discharge…" Should add language so it reads "notification within one hour of the discovery of a discharge…"	The requirement is to notify within one hour of a substantial threat of a discharge not just the discovery of a discharge. No change was made based on your comment.

62	Frank Holmes on behalf of Western States Petroleum Association	(3)(b) Language doesn't make sense. Does the phrase "The vessel owner/operator will coordinate as appropriate with", found in (3)(a) belong at the end of (3)?	Your requested change has been made.
63	Roger Mowery, Executive Director, Washington State Maritime Cooperative	The first sentence of paragraph (1) currently requires that a report of a discharge or threat of a discharge be reported by the vessel owner or operator. This paragraph should be revised to include the provision that a report of a discharge or substantial threat of discharge may also be made by an umbrella plan holder on behalf of the vessel owner or operator. In paragraph (2) of this section, the second sentence should be revised with the following text added to the sentence, "… unless the state has already been notified by the umbrella plan holder on behalf of the vessel owner or operator." These changes will more accurately depict the current notification process which takes place when a vessel enrolled in an umbrella plan is impacted.	The legal requirement for notification of spills or significant threats is on the owner or operator. If the vessel enrolls with an umbrella plan, and the umbrella plan requires notification to the umbrella plan holder as a first step, Ecology will accept notification from the umbrella plan holder. Your requested change has been made.
WAC 173-182-264 Notification requirements for facility spills to ground or containment that threaten waters of the state.			
64	Jerry Joyce, Advisor on Marine Issues on behalf of Seattle Audubon Society	A substantial change was made to the final Rule Advisory Committee draft and the final draft released for comment regarding spills at facilities (WAC 173-182-264 Notification requirements for facility spills to ground or containment that threaten waters of the state). This change is the addition of the phrase "that threaten waters of the state" in two places. This places the burden of determining if any oil from the spill could reach the waters of the state instead of relying on the professional expertise of a trustee agency, such as Ecology. At best, this will underreport the incidents of	Changes were made to this section to support your comment and other comments received.

		spills to ground, and at worse, will delay monitoring and response once it is finally determined that the spilled oil might threaten our waters. Therefore, we recommend that these two insertions ("that threaten waters of the state") be deleted from this section.	
65	Frank Holmes on behalf of Western States Petroleum Association	(1)Facility plans shall contain procedures for notifications for spills to ground and to permeable secondary containment.(a) All spills are considered reportable spills except:(i) Spills which are known to be less than 42 gallons.(ii) CERCLA releases.(iii) Releases to atmosphere only. (iv) Releases from underground storage tanks regulated under Chapter 173-360 WAC.(v) Pre-existing sources of releases identified as RCRA solid waste management units.(vi) Historical releases regulated under the Model Toxics Control Act, Chapter 173-340 WAC.(vii) 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, or within engineered containment structures. 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 unknown volume. When addressing a spill of unknown volume, plan holders shall use best professional judgment and may consider the following characteristics in determining when to make notifications: (a) Whether the spills is ongoing;(b) Whether the spill is located in an area where there is a pathway to waters of the state, and the environmental conditions, such as rain events, or known shallow ground water.	We incorporated some of your comments that helped to clarify when not to report in accordance with the contingency plan. The limited reporting areas are covered by existing regulations and we do not want to be in conflict with those regulations. Notifications should be made appropriate to those regulations.

66	David Ulrich, Navy Region North West	The second sentence of this section states (all) spills over 42 gallons are considered reportable. The following sentence states that a spill onto a paved surface is considered to have not impacted ground. Request clearer language on whether spills 42 gallons and greater onto a paved surface are/are not reportable. Request clarification on reporting procedures, e.g., provide notification only to Department of Ecology NW Region Office, or include WA Emergency Management and USCG (or EPA) if waterways or groundwater are threatened.	Any spill over 42 gallons to ground or permeable secondary containment (dirt or gravel) is reportable. The notifications should follow the plan holder field document. We will work with plan holders to develop more tailored language for their facilities as necessary.
WAC 173-182-315 Facility planning standards for non-dedicated work boats and operators & WAC 173-182-317 Covered vessel planning standards for vessel of opportunity (VOO).			
67	Joe Bowles, Marine Spill Response Corporation	173-182-315 …To be consistent with the new VOO requirements, the language regarding "platforms as vessel of opportunity skimming systems" should be updated to say "support of on-water oil recovery efforts."	We made changes to the rule language in 173-182-315 to be consistent with the tactics vessels of opportunity may support as described in WAC 173-182-317.
68	Dick Lauer, Sause Bros.	1. The Tier 1 requirements are problematic in terms of finding suitable vessels for Regions 2 thru 6. In addition, these vessels may not even be in the region for months. In order to achieve the annual deployment exercise requirement, the Plan holders will be forced to schedule additional exercise just to cover the VOO program. The recurring cost of training vessels and crews is excessive (current estimates are in excess of $6,000 per vessel per year). 2. The requirements do not allow recognition of alternate sources of response personnel and equipment, for example the “First Responders Program” used by MFSA.	Plan holders may provide alternative proposals to meet these standards if insufficient numbers of suitable vessels are not available to contract. Additionally, if the "first responder program" vessels identify themselves in the vessel of opportunity database, they may be contracted and trained in accordance with the rule to meet this standard.

69	Charles Costanzo, American Waterways Operators	Another unresolved and highly problematic detail of the VOO relates to the status of the mariners who participate in the VOO. It is not clear whether they are volunteers, employees of the State, employees of the plan holder, and employees of the PRC or independent contractors. Nor is it clear whether they are Jones Act seamen for purposes of legal liability... Indeed, it is not clear whether Ecology contemplated their status at all. AWO asserts that their legal status is essentially unknowable and their participation in the VOO creates an unacceptable "blind spot" of liability for plan holders and their PRCs. AWO is concerned that this legal blind spot could result in a host of potential personal injury claimants litigating outside of the structures of OPA 90 recovery rules, particularly since the VOO could be mobilized in a drill setting. This uncertainty could paralyze the effective use of a VOO and severely limit the use of vessels of opportunity in a situation requiring an urgent oil spill response.	The vessels of opportunity planning standard applies to plan holders for the areas they transit or operate. The plan holders are ultimately obligated to meet the standard. Whether they contract VOO directly or indirectly through the use of PRC or vessel of opportunity manager is entirely up to the plan holder. The contract terms may specify the elements of insurance, liability, and ability to submit a claim. Ecology is not setting contract terms.
70	Charles Costanzo, American Waterways Operators	In addition to its questions relating to the status of the VOO mariners, AWO is concerned about the "pre-training" requirement in the proposed rule. VOO mariners are expected to place and tow oil spill boom, participate in on-water oil recovery, and provide logistical on water support. These personnel are expected to be "pre-trained" in various forms of oil spill response, but Ecology does not specify how these personnel will be trained, by whom they will be trained and who is ultimately responsible for the performance of VOO personnel. Ecology needs to clearly specify its training and performance standards for the mariners crewing the vessels of opportunity. The absence of clarity could result in improperly trained VOO mariners	The pre-training requirements for Tier I vessels (WAC 173-182-317(7)(a)) are set in the rule based on the tactics the vessels of opportunity may perform. There are no pre-training requirements for Tier 2 vessels. The plan holders are ultimately obligated to meet the planning standard. However, the plan holder could meet this standard through the Primary Response Contractor running the VOO program, or through a 3rd party vessel of opportunity administrator. Parties who may contract and run the program are not prescribed, neither is who conducts the training.

		and increase the likelihood of an injury or death if VOO crew members are not adequately trained to participate in oil spill response.	
71	Billy Wyatt, Port of Portland	MFSA and their partner organization Clean Rivers Cooperative already has boats, equipment and trained staff in place along the Columbia River from the Portland/Vancouver harbor all the way to the mouth of the River at Astoria. In addition, MFSA has already established a unique relationship with member Fire agencies on the Lower Columbia River which adds another layer of trained personnel to provide appropriate coordinated response in the case of a spill.	See line 68
72	Johan Hellman, Washington Public Ports Association	Vessels of Opportunity: we appreciate Ecology's recent downsizing of the number of contracted vessels required, and the agency's reduction of the proposed zone where this response method would be mandated. However, we maintain that this method is ideally suited for a large area where unpredictable currents require a diverse and mobile volunteer force to collect spilled oil. These conditions do not exist in the confined and predictable waters of the Columbia River. Even with Ecology's amendments, this section of the rule mandates a considerable dedication of resources for a response method used only in the absolute worst case scenario. Even under these conditions the ultimate environmental benefit is questionable. Therefore, we respectfully ask Ecology to reconsider the directive that this method be required for cargo ships calling along the Columbia River.	See line 68

73	Charles Costanzo, American Waterways Operators	Although Ecology has obviously relied on the June 2005 Glosten Associates study to support the implementation of a non-dedicated VOO in Washington State, it has not provided the requisite framework to plan holders or their primary response contractor (PRC) to effectively contract with vessels of opportunity. The basic premise of the proposed VOO is that vessels would be retained by "contract" but remain "non-dedicated" and, in the event of an oil spill,these resources, "if available," would be held to a planning standard with no expectation of being needed on-scene to participate in an actual spill response at all. The proposed standards seem to provide no guarantee of enhanced oil spill response capabilities through a VOO. The result is a VOO that exists as a "contract" on paper, but in reality, the vessels of opportunity have no contractual obligations whatsoever. Ecology needs to provide greater clarity and additional details on the process of contracting with a VOO in each geographic region as required by the rule…. Vetting third-party service providers can be a time-consuming process that can include obtaining minimum levels of insurance, marine survey reports, Coast Guard inspection reports, and background checks on personnel…. it is not clear how Ecology will conduct that through the self-registration process....	The framework is the vessel vetting database. The database with be used to identify potential VOO. The PRC/plan holder or VOO manager will then contract with VOOs who meet their unique specifications. The database developed by Ecology will accept all vessels that choose to enroll. Plan holders will not be forced to contract vessels in the database that do not meet their criteria. For example if a plan holder requires a drug testing program and the enrolled vessel owner will not participate in a drug testing program, then the plan holder will not be forced to contract that vessel. Vessels of opportunity are by definition not dedicated to oil spill response. This is why the expectation is that they will respond "as available" in an actual spill event. VOO assets are not intended to be dedicated response assets they are intended to be additional support assets. The state has been obligated to enhance our VOO program through the law. By creating a database, pre-identifying interested VOO, establishing minimum numbers of VOO, and minimum training requirements, we are enhancing our existing system. Finally, VOO contract terms are set by the plan holder as such, contracts may not guarantee use.

74	Chris Wilke, Puget Soundkeeper	… the Vessel of Opportunity (VOO) program is still inadequate to ensure prompt response throughout the region. Overall, there needs to be more VOOs distributed throughout the region. The regions requiring VOOs and number of VOOs are too small. Since only half are required to have boom deployment or oil recovery capability and only half are presumed to be available at a given time, this really means that only about 3 VOOs would be available to help recovery at any given time.	The goal of the new VOO requirements is to enhance our current VOO program and capabilities. By pre-identifying vessels and pre-training crew we are enhancing our current standard. This is just the first step. Once we understand the universe of interested and able vessels and operators we may increase the numbers required in each region and/or further subdivide the regions.
75	Chris Wilke, Puget Soundkeeper	An additional consideration might be having a Tier 3 VOO program that consists of minimal training and paperwork and is job specific as part of a Geographic Response Plan; e.g. a local club or individual trained to boom off a specific bay with stationed boom.	What you are describing is currently in place in many areas through the Ecology boom cache grants which are outside the scope of thie rulemaking. In this rule the Tier 2 VOO is essentially the universe of vessels that may be trained and utilized in a response on an as needed basis, if the vessel is capable and crew can be trained to support specific tactics that are necessary in the response. We don't see a need for another Tier of vessels at this time.
76	Jerry Joyce, Advisor on Marine Issues on behalf of Seattle Audubon Society	Concerns about the effective use VOOs were expressed during the Rule Advisory Committee meetings. As a result, the draft resulting from those meetings required training of VOOs as 1/3 on-water recovery, 1/3 sensitive area protection, and 1/3 logistic. The current draft revises this to require that no more than 50% of vessels are pre-trained for logistics. To ensure the full and proper use of these vessels, we recommend that the text reflects the intent of the Rule Advisory Committee by limiting pre-training for logistics to no more than 33%.	In this first step in enhancing the VOO program we have chosen not to prescribe the 1/3, 1/3, 1/3 model. We feel the universe of vessels, and vessel interest, must be better defined before we can further prescribe the number of vessels required for the tactics vessels must support.

77	Liz Wainwright, Maritime Fire and Safety Association	Amend WAC 173-182-317(5)(d) as follows: Region 4: Plan holders must have contracts with a minimum of six ~~twelve~~ VOO at the Tier 1 level. Reasons for request: The Columbia and Willamette Rivers covered by the MFSA umbrella plan are different fundamentally from the Puget Sound in character as well as vessel traffic. The MFSA coverage area does not have tank vessel crude oil traffic and its level of tank vessel traffic is significantly different in terms of volume, size and characteristics from that in Puget Sound... The primary PRC to MFSA Clean Rivers Cooperative, has an existing mutual aid based on contracted network of vessels of opportunity. MFSA further has partnerships with fire agencies on the lower Columbia River who have trained in MFSA's First Responder Program and who can assist in any response. Ecology's rulemaking ignores these existing programs and instead requires MFSA to embark on an entirely new program. Working toward a VOO level of six vessels will allow MFSA to develop the program (provided sufficient vessels self-identify to Ecology) and incorporate the existing back up responders into this program. Ecology and MFSA can revisit the size of the program in five years based on the results show.	In discussions with the rule advisory committee, we have already decreased requirements for VOO on the Columbia River from 18 to 12 vessels. Additionally, this requirement has been further tailored for the Columbia River by making it lower Columbia River specific and requiring fewer vessels than Puget Sound. If vessels currently participating in your "first responder program" choose to self enroll and are contracted and trained in accordance with the VOO guidelines they may count toward the new rule requirements. No change was made based on your comment.
78	Lovel Pratt, Richard Peterson, Howard Rosenfeld, Richard Fralick, Patty Miller, Jamie Stephens, County Council San Juan County	We support the inclusion of more vessels of opportunity (VOO) distributed throughout the regions	See line 74.

79	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Pages 23 – 28 WAC-173-182-317 (Vessels of opportunity). This part of the rules requires owners of covered vessels to pre-contract with vessels of opportunity such as owners of fishing and pleasure boats to support response operations. We are unsure of the need for this requirement if a PRC (primary response contractor) can be shown to have sufficient equipment and other resources in place to address these support requirements. We are also unsure to what extent the owners of covered vessels are obliged to ensure the contracted vessels of opportunity remain available throughout the period of the plan. Part (7)(a)(v) of the rule requires owners of vessels of opportunity to "make best efforts… …to mobilize". We are unclear what is meant by best efforts. What redress would the owner of the covered vessels have if best efforts are not made or if 50% of the contracted vessels of opportunity are not available.	The authorizing statute required the state to enhance our vessel of opportunity program. The vessel of opportunity planning standard is a standalone planning standard. Since the VOO are non-dedicated for planning purposes we assume that 50% will be available at any time. This does not require a plan holder to utilize 50% during an actual spill response or to ensure that 50% of the vessels are actually available at all times.
80	Roger Mowery, Executive Director, Washington State Maritime Cooperative	The scope and scale of the Vessel of Opportunity (VOO) System requirements currently proposed do not justify the benefits and are overly prescriptive. To set a specific number of VOO for so many different regions, when there is total uncertainty and lack of supporting evidence as to how many are needed, or even if there will be sufficient private vessels interested in such a program, is unrealistic and overly burdensome on plan holders.	See line 74.

81	Roger Mowery, Executive Director, Washington State Maritime Cooperative	Another area of concern with implementation of a VOO program involves insurance and liability. It has been made clear to Ecology that WSMC's primary response contractor would not insure nor supervise VOO due to liability concerns. It is unrealistic, and likely exceeds the scope of Ecology's authority, to require through regulation a private corporation to take on such risk and liability, including the risk of third party property damage or personal injury claims.	See lines 69 and 73.
82	Chad Bowechop, Manager Makah Office of Marine Affairs	There needs to be more VOOs distributed throughout the region. The regions requiring VOOs are too large and the number of VOOs per region is too small. We currently have the means with which to obtain more VOOs in the Makah Treaty Area. Increase the number of VOO planning areas to assure greater VOO distribution.	See line 74.
83	Chad Bowechop, Manager Makah Office of Marine Affairs	The training regime for each VOO should also be specified in the Technical Manual involving two on water and classroom sessions annually. We believe there needs to be Technical Manuals for each planning area to support the training improvements.	The technical manual covers the assets needed to meet the boom, storage and recovery requirements in the Cathlamet, Neah Bay, and San Juan Islands planning standard areas. VOO resources are not represented in these planning standard tables. The VOO is a standalone planning standard as such it will be verified though a different mechanism than the technical manual.
84	Chad Bowechop, Manager Makah Office of Marine Affairs	Proposed regulations at 173-182-317 will require operators to self-report training qualifications for vessel of opportunity crew. It is not clear from the regulatory language whether a process is envisioned for vetting vessel of opportunity training. We are not aware of any State or Federal accreditation of fishing vessel/vessel of	We feel the rule as written provides sufficient detail on the types of training we believe VOO need. Training for VOO under the rule is tied to the tactics they may support. When reviewing plans Ecology will review the VOO contracts and training records. Additionally,

		opportunity spill response training. For example, how will Ecology ensure that the requisite number of vessels is pre-trained (per paragraph #5 on pg. 26)? Expand regulatory language regarding vessel of opportunity training to specify the type and extent of training, and the process that Ecology will use to vet training.	since we anticipate attending VOO trainings we will see the training provided and the practical implementation of that training during Ecology evaluated deployment drills that incorporate VOO.
85	Chad Bowechop, Manager Makah Office of Marine Affairs	On page 27, a minimum number of vessels is established for each planholder to contract with. Does Ecology intend for each planholder to contract directly with vessels of opportunity? If so, then the minimum numbers will probably be sufficient. However, if contracts are established at the PRC level and planholders meet their minimums through PRC-executed contracts, this creates the potential for multiple planholders to rely on the same small pool of vessels of opportunity. In essence, a PRC could establish contracts with less than 80 vessels statewide and meet the planning requirements. If 10 or 20 operators all rely on that PRC, then you create a situation where a very small pool of vessels is in place. By comparison, the vessel of opportunity fleet in Prince William Sound (to cover only that region, not the entire state) is over 300 vessels.	See line 74. Our rule allows multiple plan holders to share the same pool of VOO. In Washington we have created the VOO as a standalone planning standard to enhance, not replace, dedicated professional response vessels and personnel. Alaska plan holders rely on VOO to meet their plan requirements not supplement. Additionally, Alaska has a much more established VOO program. We cannot prescribe 300 VOO before fully defining the universe of interested VOO.
86	Chad Bowechop, Manager Makah Office of Marine Affairs	Clarify whether the minimum numbers of vessel of opportunity contracts are expected to be met directly by planholders, or through PRC contracts. If PRCs are the intermediary to vessels of opportunity, verify that the vessel pool is sufficiently large to cross-cover multiple vessels simultaneously.	See line 74 and 85. Ecology has written into the rule that plan holders must invite Ecology to VOO trainings for the purpose of observing the trainings, and Ecology plans to attend those trainings. Ecology will also be able evaluate VOO at Ecology evaluated on-water deployment drills. The regulations do not include ramifications for vessels that cannot

		Verify that Ecology has sufficient staff to observer and evaluate vessel of opportunity training, particularly initial training on on-water tactics. The regulations should clarify what the ramifications would be for vessels that cannot meet the Tier I 12-hour callout	meet the Tier I 12-hour callout because VOO are intended to be non-dedicated resources that will respond "as available". This structure does not preclude plan holders from including performance requirements in their contracts.
87	Michael Moore, Pacific Merchant Shipping Association	Our intention is not to repeat all of the concerns expressed by WSMC but to support them and address the legitimate concerns regarding the VOO system, aerial surveillance, planning standards issues and expectations regarding the sharing of equipment between providers. The VOO system is full of challenge from liability issues to the setting of unreasonable expectations for spill response.	See lines 63, 80-81, 96, 108, 120, 158, 210, 264, 265, 303 Washington State Maritime Cooperative comments and Ecology responses.
88	Carol Bernthal, Sanctuary Superintendent, Olympic Coast National Marine Sanctuary	I've never figured out what P&I club is. Not in the definitions and I can't find an acronym introduction.	We spelled out Protection and Indemnity Club. We do not feel the need to provide a definition in the rule.
89	Joe Bowles, Marine Spill Response Corporation	Subpart (1)(b) should be revised to say "support of on-water oil recovery in the near shore environment," and subpart (3)(g)should refer to "vessel crew" consistent with subpart (2)(h). Subpart 5 should reference "support of on-water recovery in the near shore environment" to be consistent with (1)(b).	Based on your comment on (1)(b) we made no changes, the language as written, is consistent with the law. In (3)(g) we changed the language to say vessel owner/crew for consistency. Subpart 5, your requested change was made, we added "in the near shore environment" to be consistent with the law.
90	Charles Costanzo, American Waterways Operators	AWO represents several companies that operate on the Columbia/Snake River system moving refined petroleum products and bio-blends in double-hulled tank barges. While AWO appreciates that Ecology eliminated VOO planning standards for the Upper	VOO are not required to be fishing vessels. Any commercial or recreational vessels with attributes appropriate to support response tactics, as defined by the Plan Holder (or designee) may be utilized as potential VOO.

		Columbia River during the informal rulemaking process, we believe that the proposed VOO planning standards for the Lower Columbia River are also highly problematic. A Lower Columbia River VOO is impractical because there is only a small commercial fishing fleet that could serve as a VOO in that area. Even if a VOO was assembled near the mouth of the Columbia River where more fishing vessels could be procured, these vessels would be ineffective in their response to a refined product spill near Longview or Vancouver because of the nature of the petroleum product on the river and the time required to transit to the spill. This renders the planning standard meaningless. Furthermore, the proposed rule does not account for the existing dedicated vessels of opportunity already in place on the Lower Columbia River through the Clean Rivers Cooperative, a PRC that maintains its own fleet of appropriate spill response vessels and properly trained crew. While AWO maintains the concerns raised in preceding sections about the proposed VOO as applied to Washington generally…Columbia River operators should be exempted from the requirements of WAC 173-182-317 entirely.	The VOO will self identify the tactics they are interested in performing. If those tactics support the needs of the plan holder, the plan holder may choose to contract them. We have already reduced the number of VOO required for the Columbia River and tailored the requirement to apply to only the Lower Columbia River region. We are not eliminating the requirement from the Columbia River entirely.
91	Geir-Eilif Kalhagen Chief Executive Officer, Port of Longview	…we appreciate Ecology's recent downsizing of the number of contracted vessels required and in the agency's reduction of the proposed zone where this response method would be mandated. However, we maintain that this method is ideally suited for a large area where unpredictable currents require a diverse and mobile volunteer force to collect spilled oil. These conditions do not exist in the confined and predictable waters of the Columbia River.	See comment line 77. This requirement has been tailored for the lower Columbia River. These VOO resources could be used to support responses anywhere in the lower Columbia River VOO region or the near shore environment from mile marker zero to 3 nautical miles out from the mouth of the river. The Maritime Fire and Safety Association contingency plan not only covers vessels on the

			river but also vessels operating or transiting 3nm out from the mouth of the river. Even on river environments, the legislature and Ecology have determined that an enhanced VOO program for this state is a best achievable protection that will improve response.
92	Fred Felleman, NW Consultant Friends of the Earth; Marcie Keever, Oceans & Vessels Project Director Friends of the Earth	…significant improvements to our regions' response capacity are the inclusion of the 4-hr planning standard and the more formalized inclusion of vessels of opportunity (VOO) into the response effort. However, both of these provisions should be significantly enhanced as follows: - In order to improve continuous response capacity, those areas required to meet the 4-hr rule need to include not just "current buster" type capabilities, but must be paired with at least one workboat and mini-barge (<300 bbls). - There need to be more VOOs distributed throughout the region. The regions requiring VOOs are too large and the number of VOOs is too small. - San Juan County needs to be designated a staging area, like Neah Bay, requiring dedicated gear–including storage barges–to cover up to the 6-hour planning standard.	See comment line 74, 176, 212

93	Stephanie Barton, Director, NRC Environmental Services Inc.	**WAC 173-182-317 Covered vessel planning standards for vessels of opportunity (VOO).** *Delete entire section and replace with the following:* In order to enhance the ability to respond to spills using nondedicated resources, Ecology will maintain a registry of qualified approved VOO resources interested in performing spill response support activities on an as needed basis as determined by the Plan Holder and/or PRC. In order to qualify, vessels of opportunity must update their registration and be re-approved by Ecology on an annual basis, including providing evidence of General Liability, Pollution Liability, P&I, Hull & Machinery, Workers Comp and USL&H insurance. In addition, VOOs must commit to responding to any plan holder or PRC on an "as available" basis and be willing to sign a hold harmless agreement with the requesting entity prior to engaging in spill response activities. Prior to being utilized in spill response activities, the requesting entities will provide training to the VOO as appropriate for the response activities to be provided. Plan Holders will include description of potential uses of VOO resources based on the numbers and types of qualified VOOs registered with Ecology.	No changes were made based on your comment see response line 94.

94	Jim Townley, Executive Director, Columbia River Steamship Operators Association	Proposed WAC 173-182-317 requires twelve "volunteer" vessels be under contract to be available on the lower Columbia River as vessels of opportunity ("VOO") for a spill event. The Lower Columbia River is a relatively narrow river expanse with professional response resources under contract and established in a variety of locations, including resources provided through MFSA, CRC, and MSRC. Unlike open water scenarios, these professional resources can get to a spill within timeframes established by federal and state regulations. The lower Columbia River system does not require or necessarily benefit from VOO. To complicate matters, we are unaware of the existence of potential and suitable VOO, nor of vessel owners or operators who are eager or interested in participating in a VOO. Further, the costs of establishing a VOO program and of finding, training, testing, and doing the planning related to maintaining a VOO program will be significant, especially if those owning the VOO assets have no particular desire to participate. CRSOA urges that the VOO requirement not apply in the lower Columbia River.	See comment line 68 and 77.
95	William H. CollinsDirector, EHS&STidewater Bargelines Inc.	a) There is not a commercial fishing fleet on the upper Columbia River, or in the upper reach of the Lower Columbia River (Portland/Vancouver area). b) Even if a commercial fishing fleet-based VOO program was able to be established using downriver resources (e.g., in Astoria, OR), the vessels may not be able to respond to the Lower Columbia River region where Tidewater transports petroleum products (from the Vancouver/Portland metro area and continuing east) in time. It could take several days to arrive on scene. c) Contracting with members of a commercial fishing	VOO do not need to be commercial fishing vessels. If there are not adequate numbers of qualified vessels than the rule provides that an alternative for the area will be appropriate. We are defining the lower Columbia River using the lower Columbia River geographic response plan region this covers the waters west of the Bonneville dam. We have not excluded the Portland/Vancouver metro area of the Lower Columbia River region from the VOO program. The rule as written does not prohibit

		fleet, or recreational boaters in the absence of a commercial fishing fleet, is problematic. Questions remain regarding safety, suitability of boats, spill response training, insurance requirements, drug-testing, and related liability, all of which would have to be resolved prior to contracting with Tidewater or any PRC. d) Ecology's proposed rules do not consider the VOO program already provided through membership in CRC which, together with its membership, maintains a fleet of appropriate spill response vessels and an extensively trained membership. Requests: a) We would like confirmation that the Upper Columbia River area is excluded from the VOO rule. The proposed rules do not include it, so we are making that assumption. b) We would like a definition of what constitutes the geographical area of the Lower Columbia River. c) Exclude the Portland/Vancouver metro area of the Lower Columbia River region from the VOO program.	the CRC mutual aid resources or "first responder" resources from becoming part of the enhanced VOO program described under the new rule requirements provided they enroll in the database, are contracted on an "as available basis", and pre-trained.
96	Roger Mowery, Executive Director, Washington State Maritime Cooperative	It is recommended that a VOO program be implemented through a thoughtful, rational approach, an approach where there is a match between actual vessel availability, actual need and expected benefit. A program that initially establishes a single VOO system for Washington rather than the six regions, without specific number of vessels, should be pursued through these proposed rules. The number of VOO vessels established would then be cooperatively developed between Ecology and plan holders, based on availability (including seasonal availability), capability, crew size, and location. As Ecology gains a better	The authorizing statute required Ecology to enhance the existing non-dedicated vessel of opportunity program. The program you describe in your comment does not represent an enhancement of our existing non-dedicated vessels capability. We believe we developed reasonable implementation schedules for the VOO regions. These requirements are phased in over 48 months following rule effective date. Many of our stakeholders have said that the regions are too large and the number of VOO required in each region is too few. We

		understanding of the vessels that may be interested, capable and available to participate in a VOO program, along with their geographic location, and PRCs and plan holders gain more experience working with the VOO operators, and insurance and liability issues are addressed, then plan holders and Ecology would be able to work cooperatively to establish realistic and workable specific VOO levels..... Mandating an arbitrary timeline, without taking into account the complexity of the task and the lead time to accomplish it, is doomed to failure. To ensure the broadest possible participation from VOOs, Ecology should reinsert the text in section WAC 173-182-317(2)(r) that states a VOO may contract with multiple PRCs. This text was a part of the second version of the draft rules, yet does not appear in the current version.	feel the region size and number of VOO required represents an enhancement to the current VOO program. If too few VOO sign up Ecology will work with plan holders to come up with an alternative. We added the language which allows VOO to contract with multiple PRC's or plan holders back into the rule language to satisfy your comment request.
97	Carol Bernthal, Sanctuary Superintendent, Olympic Coast National Marine Sanctuary	- in -317, might want to reference the figure	Your requested change has been made.
98	Carol Bernthal, Sanctuary Superintendent, Olympic Coast National Marine Sanctuary	in -317(7)(a)(ii) the word "crew" should follow pretrained; also could use "Ecology" here instead of "the department"	Your requested change has been made.

99	Ernie Quesada General Manager Clean Rivers Cooperative	For our river system, Clean Rivers also questions the rule making policy of forcing the Columbia River to spend a disproportionately large sum of money to train VOO responders who are to be the last line of defense and the resource least likely to be called upon, when compared to the costs incurred to maintain training for the responders who answer every call. This is not the best use of limited resources and is illogical as a policy choice. Of even greater concern is that Ecology does not take into consideration the existing VOO programs supplied by Clean Rivers membership and the extensive training and VOO program currently in place as additional resources. Clean Rivers and MFSA have letters of intent with various commercial entities who are available to respond, participate in regular training programs and meet all requirements for insurance, liability, work conditions, etc….	See comment line 68 and 77.
WAC 173-182-321 Covered vessel planning standard for aerial surveillance			
100	Liz Wainwright, Maritime Fire and Safety Association	Amend WAC 173-182-321, subparagraphs (1), (2), and (3) as follows: WAC 173-182-321 (1) <u>For covered vessels operating in Puget Sound (Regions 1,2,3 and 5)</u>, ~~A~~access to 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 6 hours of spill notification. The contracted asset must have the following capability...	We added language to clarify that the aerial surveillance standard applies to vessels that operate or transit the lower Columbia River region. See Line 93 response

101	Liz Wainwright, Maritime Fire and Safety Association	Amend WAC 173-182-321, subparagraph (2) As follows: Plans must also include logistical sources of additional resources not under contract that may be utilized as additional spotting resources in addition to resources as may be required under WAC 173-182-321(1) to maximize the effectiveness of enhanced skimming, or as resources to identify the extent of oil to inform Shoreline Cleanup and Assessment Teams and shoreline cleanup activities.	We added language to clarify that the aerial surveillance standard applies to vessels that operate or transit the lower Columbia River region. See Line 102 response
102	Liz Wainwright, Maritime Fire and Safety Association	Amend subparagraph (3) As follows: In order to provide best achievable technology for aerial oil surveillance, vessel plan holders for tank vessels operating in Puget Sound (Regions 1,2,3, and 5) must also provide for access to a helicopter or fixed wing asset, under contract or other approved means, with the capability to provide a strategic picture of the overall spill; assist in detection 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 visibility; identify oceanographic and geographic features toward which oil may migrate. ... Reasons for request: Ecology's rulemaking for aerial surveillance is particularly oriented around Puget Sound and is further focused on ocean and open water operating environments, not the inland waters of the Columbia River... the aerial assets described are already in the hands of public agencies, such as the Coast Guard, and will as a practical matter be brought into any spill that is of a size or magnitude requiring such assets... MFSA believes that at the least this rule should be modified to apply only to Puget Sound.	The MFSA plan covers not only the Columbia River but also extends 3 miles outside the mouth of the Columbia River from mile marker zero at the Columbia River bar crossing. The Columbia River bar is well known as a dangerous bar crossing. Because the plan covers vessels that may impact the waters outside the mouth of the Columbia River we feel it is important to have access to equipment appropriate to support responses in this operating environment. Additionally, since any spill in the Columbia River, if not contained, can be driven outside the mouth of the Columbia River these resources may be needed for a worst case spill that originates inside the more protected waters of the Columbia River. We clarified that the aerial surveillance standard applies only to vessels that transit or operate in the Lower Columbia River region.

103	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Page 28 WAC 173-182-320 (Facility aerial surveillance) and WAC 173-182-321 (Vessel aerial surveillance) Part (1)(a) refer to "ten-hour operational periods". We note this requirement is in the federal regulations (33 CFR 155.1050 (l)(2)). However, we are unclear whether this requires an aircraft to be in the air for 10 hours constantly? Given that no aircraft will have flight times of this length without refueling, crew rest periods and other necessary downtime, we are not clear as to what is meant by this requirement? Does this imply that two aircraft and corresponding crews will be required so as to cover this downtime? Furthermore, we are not clear why an aircraft may be required to be in the air for 10 hours constantly as a much reduced time in the air is sufficient to meet the needs of a coordinated and effective response in our experience.	Supporting for three 10 hour operational periods does not mean that they will be up in the air for 10 hours per day. The idea is that these resources are available during the 10 hours of daylight. This is written to be consistent with the federal standard. It is in both the existing standard which applies only to facilities and in the proposed standard for vessels.
104	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Part (1) refer to a maximum duration of 6 hours from notification to arrival on scene of the aerial surveillance capability while Page 29 WAC 173-182-321 Part (3)(a) refers to 8 hours. Please could clarify the difference.	See line 113.
105	Frank Holmes on behalf of Western States Petroleum Association	(3) "to assist in detection of slicks" should this be "location"?	Your requested change has been made.
106	Frank Holmes on behalf of Western States Petroleum Association	(3)(a) Requires the strategic asset to be available in 8 hours. Suggest that this be changed to 12 hours, since there is already a 6- hour requirement for a tactical aircraft. The 12 hour timeframe would be more practical for getting an aircraft in area, fitting it with the required surveillance equipment, getting the qualified observer onboard, and getting the plane to the spill site.	Based on potential assets air speed, mobilization and fitting for mounted systems we are increasing the time for the resource to plan to be on scene from 8 hours to 12 hours. It is not our intent to require plan holders to purchase aircraft. This additional time supports a plan holder's ability to comply with the regulation by contracting existing resources rather than acquiring a resource.

107	Bryan S. Graham, Schnitzer Steel Industries	At the most recent October 2, 2012 MFSA meeting, the USCG notified our members they planned to do weekly river fly-overs as part of the Washington and Oregon derelict vessel program. Given these existing federal resources are already available, it seems redundant that the oil spill plan holder would now be asked to provide expensive aerial capability, when federal resources already exist.	See line 120.
108	Roger Mowery, Executive Director, Washington State Maritime Cooperative	(3)(b)While it is appreciated that WDOE listened to previous comments and listed capabilities of the IR equipment, those that are listed are too specific, do not necessarily go together, and/or are not readily available. For example, many IR systems operate in the 7 to 14 range, not the 8-14 specified in the rule. Further, optical zoom is usually not associated with IR camera, rather with standard or HD visual cameras. This language should be made less specific, providing performance parameters, rather than technical specifications. For example, requiring that the IR use a short wave or a long wave sensor with an effective range of x, etc.	As you are aware it was requested during the advisory committee meetings that the language requiring a mounted FLIR camera be removed and specific FLIR camera capability be included. These capabilities were not intended to prescribe a specific camera. We removed the specificity in the previously proposed language. The updated language reflects the types of capabilities we are requesting for the system review.
109	Frank Holmes on behalf of Western States Petroleum Association	(3)(c) Still requires "transmitting processed images and other information to the command post in near real time". As has been stressed in the past, much of this processing will likely take place at the command post or elsewhere offsite, not on the aircraft. Also, not sure what the definition of "near real time" is. Keeping in mind that this is for strategic use, would suggest this be changed to allow for transmission of captured data and images to the data processing center, as soon as is safely possible to do so.	Because the aerial asset described is a planning asset and not an operational support asset we removed the requirement to transmit data in near-real time. We feel the process by which data is shared with the command post and the data being of a useful quality is more important than the timeframe for transmission.

110	Jerry Joyce, Advisor on Marine Issues on behalf of Seattle Audubon Society	HB1186 requires that planning standards be updated to "provide for continuous operation of oil spill response activities"… This requirement is for all plan holders, not just covered vessels. Therefore, we **recommend** that this requirement also extend to all facilities and pipelines. Additionally, the law states that the equipment "represents the best achievable protection." However, a FLIR type imaging system, especially if it is hand-held, does not achieve this. Mountable, multispectral, or hyperspectral systems are available that provide a wealth of data, including spill thickness. Additionally, a hand-held system is vulnerable to distortion associated with vibration and other movement, as well as operator error. Therefore, we **recommend** that all remote sensing imaging systems be attached to an aircraft using vibration damping mountings and that the equipment meets the BAT requirement.	The law specifically required enhancements to aerial surveillance capability to be passed by December 2012 for tank vessels. We are applying the FLIR requirement to both tank and non-tank vessels at this time. The enhanced aerial surveillance requirements applicable to vessels under this rule may be applied to all plan holders in a future rule update. Based on comments received we are once again requiring the aerial FLIR camera to be a mounted system or if the system is not mounted the plan holder must present information to Ecology that demonstrates capabilities for performance from an aerial platform.
111	Dick Lauer, Sause Bros.	1. The requirement for multi-spectral may not be technically achievable. At least one of the potential vendors mentions a requirement to achieve a minimum altitude of 1,800 feet clear of clouds. On the Columbia River, weather ceilings are frequently below this restriction. In addition on the Columbia River, the estimated annual costs of $750,000 for this capability is excessive given to operational constraints, and the goal can be more effectively and economically achieved by hand held FLIR units both on response boats and from helicopters. 2. On the Columbia River where the current is frequently in excess of 3 knots and oil is constantly moving in and out of the main current with eddies, the information would be timelier if it came from a helicopter or vessel using hand held FLIR	As written the rule does not require multi-spectral capability. The rule requires a FLIR plus some other capability to be chosen by the plan holder. The FLIR+ sensor may be mounted or handheld and paired with either a helicopter or fixed wing aerial platform. Based on the flexibility afforded by the rule, the plan holder can choose to tailor the asset to the operating environments and response conditions they anticipate they may encounter and can optimize the resource for their unique response needs.

		units and transmitted to a command post operations section.	
112	Bill Wyatt, Port of Portland	The use of this type of equipment in river environment vs. open water of Puget Sound appears unwarranted. Furthermore, the use of FLIR type equipment in aircraft to detect/track the refined petroleum product transiting the Columbia River system has not been fully tested to determine if it will work under the circumstances of a spill to a river environment.	See line 102, 111 and 131
113	Carol Bernthal, Sanctuary Superintendent, Olympic Coast National Marine Sanctuary	OCNMS supports these aerial surveillance requirements, which represent significant improvements in regional ability to initiate and sustain effective spill response operations. It is unclear in -321(2) what "logistical sources of additional resources" means. Is the word logistical unnecessary to this statement? • It appears that the aerial asset required in -321(1) can be the same asset used for -321(3). If the intent was to require two different aerial assets with different capabilities or simultaneous operations, this should be made more explicit. Also, the aerial asset in -321(3) should have the same requirement as -321(1)(a) for capacity for operations at least 10 hours per day. • -321(3)(b) requires at least two remote sensing systems but it is unclear what system other than an infrared (IR) camera would be recommended or required. High definition video is currently available technology that could be identified as the alternative remote sensing system until an alternative is available as best achievable technology. The capabilities listed all apply to the IR camera and appear to be very	The term "logistical sources of additional resources" is intended to require the plan holder to identify sources of aerial assets. These assets do not need to be under contract. You are correct the aerial asset required in -321(1) can be the same asset used for -321(3) provided the asset with FLIR can be on scene within 6 hours. Since the asset with FLIR is capable in times of darkness it is presumed that it would be capable more than 10 hours per day (the hours of daylight).In 321(3)(b) requires at least two remote sensing systems. Through this rule we wanted to ensure capability to locate oil on the water in times of darkness and low visibility so we are requiring FLIR. The software to integrate the image to a map and the other sensor in the suite can be chosen at the discretion of the plan holder.

		prescriptive. OCNMS recommends the capabilities required for remote sensing systems focus on the functional aspects of the IR camera for spill detection.	
114	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Page 29 WAC 173-182-321 (Vessel aerial surveillance) Part (2) requires aerial surveillance to support shoreline clean-up activities. Does this imply a requirement to be able to communicate directly from the aircraft to personnel on the shoreline? We suggest it would not be practical to equip shoreline teams with air communications equipment.	The intent of the resource is to identify the extent of oiling. This data could be provided to the command post for the development of a plan for shoreline clean up and/or SCAT for the next operational period. Communication directly between the aerial asset and shoreline workers is not the goal and it is not foreseeable that this would occur.
115	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Pages 28-29 WAC 173-182-321 refers in various parts to very specific requirements in regards to photographic equipment, remote sensing systems, near-real time transmission of images. We consider that the degree of detail in these requirements is overly prescriptive and that a requirement to meet certain general objectives would suffice.	Based on other similar comments received we have taken some of the prescriptive detail out of the rule language.
116	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Page 29 WAC 173-182-321 (Vessel aerial surveillance) Part (3) refers to the use of remote aerial sensing technology to extend the hours of clean-up to include darkness and poor visibility. We consider this not to be a reasonable requirement. Work at sea and in darkness and poor visibility is dangerous and tends to be highly unproductive, even if operating in confirmed slicks. Night work may be reasonable and safe in specific instances, where a stable work environment and sufficient lighting are available, for example around fixed facilities. However, even in such instances work in daylight is invariably safer and more productive. Furthermore to ensure a clean-up progresses	The authorizing statute specifically directed Ecology to update our plans to incorporate best achievable protection and aerial surveillance capability, in times of darkness and low visibility, not to require its use. This capability will not be used during a response if it is unsafe to do so. The state of Washington requires plan holders to meet planning standards not response standards.

		effectively, the presence of oil detected by remote sensing equipment should be confirmed visually prior to continuing operations. Consequently, we suggest equipment to detect oil at night provides little benefit to a response and suggest this should not form a part of the revised rule. We note this requirement to support night operations is not in the federal regulations.	
117	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Page 29 WAC 173-182-321 (Vessel aerial surveillance) Part (3)(a) requires aircraft with remote sensing equipment to be located "appropriately" and "could" arrive with trained observers. We are not clear as to the obligations imposed on the owner of covered vessel by these non-specific terms.	Since the requirement to have access to an aerial asset is a planning standard the resource must be located so it can be mobilized within the timeframes identified in the rule. Planning standards do not dictate what will occur in a response on any given day the resource may be on scene more quickly, or based on unsafe weather conditions it may not be able to fly at all.
118	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Page 30 WAC 173-182-321 (Vessel aerial surveillance) Part (3)(b)(iv) requires the remote sensing equipment to be able to integrate images and other information with "appropriate" spill management software. Again, we are not clear as to the obligations imposed on the owner of covered vessel by this term, in particular what the software should accomplish and how this might benefit a response.	Agreed we eliminated the word "appropriate" from the rule language. The benefit of the software integrating into spill management software is that it supports the development of the plan for the next operational period.
119	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Page 30 WAC 173-182-321 (Vessel aerial surveillance) Part (4) requires the plan holder to have "enough" trained personnel to undertake the specified aerial tasks. Given the lack of clarity of the requirements to be airborne we are not clear as to the requirements of this term.	Agreed we eliminated the word "enough" from the standard as we have not defined enough only the training that an aerial observer must have.

120	Roger Mowery, Executive Director, Washington State Maritime Cooperative	The infrared (IR) camera equipment described in the proposed rule is very specialized and to require plan holders to have this equipment within 8 hours would necessitate acquisition of this equipment. Considering that IR camera equipment is readily available to a responsible party from public sources makes this costly requirement especially burdensome and onerous to plan holders; particularly, given the low likelihood that this equipment would be needed and the limited purpose for which it would be used. This IR capability currently resides with state and federal resources. In previous spills around the country, when the scope and scale of the incident necessitated IR capability (this capability is not needed in the vast majority of oil spill responses), these public assets were readily called up by the spiller and put into operation to support the response, with all costs paid by the responsible party.... We strongly, but respectfully, recommend that Ecology recognize the capability for IR that already exists in the State of Washington. We request the rules allow plan holders to meet this requirement through reliance on these publicly available resources, recognizing the responsible party will pay for the full costs of their activation and use in the event of a spill incident that calls for IR capability.	See response line 106. Since public resources are often directed to other higher priority activities such as Search and Rescue there is no guaranteeing that those resources will be available for oil spill response. Additionally, it is likely that a large worst case spill scenario will require more than one aerial asset as prescribed by our rule. We are trying to enhance the existing capability through this rulemaking. If we allow plan holders to rely on currently available public resources we will not be enhancing the aerial surveillance capability as required by the law.
121	Chad Bowechop, Manager Makah Office of Marine Affairs	Revise proposed rule for aerial observation to include a requirement that oil spill contingency plan holders identify the limitations to aerial observation posed by specific weather and environmental conditions, and specify how limitations to observation and spotting may reduce on-water recovery. Have it apply to high volume facilities as well as vessels.	See lines 110, 116

122	Joe Bowles, Marine Spill Response Corporation	The language in the rule should not be so specific that it restricts the type of aerial platform to only fixed wing or rotary aircraft to meet the FLIR requirement. Each spill is different… while an aircraft outfitted with the suite of equipment written in the rule may work on one spill, the delivery platform may not offer the flexibility to work on another. The lack of a low visibility detection requirement (a radar sensor), and limiting platforms to aircraft and helicopter only prevents the use of... ship based sensors, aerostats, drones, drifters/buoys in combination with large area coverage by radar satellites.	The authorizing statute specifically calls out enhancing aerial surveillance capability and creates an expectation for night operations. Our rule is tailored toward enhancing aerial surveillance from an aerial asset with a proven technology for seeing oil at night and in periods of low visibility. Additionally, the contingency plan rule has an existing standard WAC 173-182-350 which requires plan holders to describe equipment that will be used to conduct initial spill assessment during darkness and low visibility conditions. Equipment to meet this standard can include tracking buoys, trajectory modeling, radar, and vessel mounted infrared.
123	Carol Bernthal, Sanctuary Superintendent, Olympic Coast National Marine Sanctuary	in -321(3)(c)(iv) the "and" is not needed at the end	Your requested change has been made.
124	Bill Anderson Executive Director Citizens for a Healthy Bay	As illustrated by the Dalco Passage spill a few years ago, the ability to locate and track spills at night and in foggy weather is desperately needed but is not currently in place. The availability of helicopters or fixed-wing aircraft with high technology sensing systems and infrared cameras is crucial now. We can't wait for three years for this already available technology to be in use in Washington. Proposed RCW 173-182-130 should be revised to require that FLIR and multispectral sensing be available in 18 rather than 36 months.	Unfortunately, due to the number of new requirements being placed on plan holders and the highly technical nature of the aerial surveillance resource with FLIR, we could not change the phase in date for this equipment to be available to 18 months.

125	Chris Wilke, Puget Soundkeeper	The rule should include a 4-hour standard for aerial surveillance equipment, not a 6-hour standard as currently drafted.	The 6 hour requirement for the operational asset to be on scene is based on the asset working as a spotter to direct skimmers into the oil. The six hour standard is only a planning standard, in a real spill event we would expect the aerial asset to be mobilized and on scene as quickly as possible to support the response, however, when we evaluate where the resource is staged and when it will plan to arrive on scene for planning purposes we will ensure it can be mobilized to the location within 6 hours using the time distance equation in the rule.
126	Charles Costanzo, American Waterways Operators	AWO also opposes the application of proposed aerial surveillance standards contained in Sections 173-182-320 and 321 to the Columbia River. While AWO supports the use of aerial technology to detect and track oil, there is serious doubt that multispectral imaging techniques would be effective at detecting the non-persistent petroleum products that our members transport on the Columbia River. Furthermore, the windy, narrow, and remote conditions on the Columbia River create a safety concern for aerial resources. AWO has serious concerns about small aircraft flying in these conditions to deploy surveillance technology that may not be effective to detect the spilled petroleum product. There is also a question of whether a six-hour planning standard for aerial surveillance resources is reasonable for Columbia River plan holders, given the size of the river and the remote country that would need to be accessed in six hours....	See line 102, 111 and 131

127	Ernie Quesada General Manager Clean Rivers Cooperative	Aerial surveillance is practically applicable only in the Puget Sound and open ocean environments. It is untested on a river environment, particularly given the ceiling and floor operating restrictions for aerial assets over the confined waters of the Columbia River. This requirement should be removed for the Columbia River. Vessel based technology has proven successful in locating oil on the Columbia River environment and it can be supplemented by aerial assets already identified and available to Clean Rivers members and MFSA. Moreover, forcing PRC's and plan holders to incur this huge expense serves to limit use of best achievable technology rather than enhance it. The response industry is developing multiple ways to locate, monitor and respond to oil spills.	See line 102, 111, 117, and 122
128	Geir-Eilif Kalhagen Chief Executive Officer, Port of Longview	....while Ecology has shown flexibility in some areas, this is an area where the requirements have actually grown more rigid. The recent draft rule now requires two aerial surveillance assets deployed within 6 and 8 hours (respectively) of a major spill for purposes of oil spotting. Again, this is an area where the scale of resources mandated is out of sync with the actual effectiveness this mandate would provide. During the Deepwater Horizon spill event aerial surveillance aided oil spotting in the vast environs of the Gulf of Mexico, a system non-comparable to the Columbia River.	See line 102, 106, 111, 117, and 122
129	Jim Townley, Executive Director, Columbia River Steamship Operators Association	Proposed WAC 173-182-321 requires designated aircraft with FLIR technology to provide detailed oil spotting capabilities. This regulation adds two significant aspects to current regulations: (i) that the aircraft carry expensive FLIR technology; and (ii) that aircraft be designated for oil spill response only. These requirements add significant costs for operators on the	See line 102, 106, 111, 117, and 122

		Columbia River and may, in fact, be unfeasible for operators on the upper Columbia River. Moreover, the need for such resources on the Columbia River cannot be supported. In fact, there is no evidence that such resources will improve the current, robust resources available under the existing regulatory regime.	
130	Johan Hellman, Washington Public Ports Association	While Ecology has shown flexibility in some areas, this is an area where the requirements have actually grown more rigid. The recent draft rule now requires two aerial surveillance assets deployed within 6 and 8 hours (respectively) of a major spill for purposes of oil spotting…. Again, these conditions are very different from the confined and predictable conditions along the Columbia River. This is one of the costliest new elements and will provide little benefit along the Columbia River where the flow of any leaked oil is inherently predictable and can be tracked from any number of points along the shore. Therefore, we ask that vessels along the Columbia River be exempted.	See line 102, 106, 111, 117, and 122.
131	Jim Townley, Executive Director, Columbia River Steamship Operators Association	....A designated aircraft with FLIR technology provides value in circumstances where the dispersion of spilled oil is subject to varied conditions that are difficult to predict. In these circumstances, the aircraft can search large areas in a short timeframe to locate oil on and in the water. Such regulations seem tailored toward potential oil spills in the open ocean or Puget Sound. The Columbia River system is completely different. Currents carrying spilled product are measurable and their effects are more reasonably predictable. Modeling technology provides predictive capability to direct	These things may make aerial observation more difficult but with a trained observer there is value to having these technologies.

		response resources. This modeling resource is available immediately and is more effective for directing response resources than waiting for a designated aircraft to arrive and deploy a capability of highly questionable value. **Overhanging brush, swirling eddies at numerous outcroppings, the presence of islands and marshy areas, and the water temperature variations introduced by the many freshets and streams that feed the Columbia system, all render airborne FLIR ineffective or useless.** CRSOA recommends that Ecology modify its rules to exclude the Columbia River from the requirement to have a designated aircraft with FLIR technology.	
132	William H. CollinsDirector, EHS&STidewater Bargelines Inc.	Aerial Surveillance Requirements (WAC 173-182-321) : Requires resources within a six-hour response time and with specific imaging technology. Issues: a) The Aerial Surveillance requirement should not apply to non-persistent oils on the Columbia River as the proposed technology may not be effective for spotting non-persistent oils on a river system. b) Aerial surveillance technologies are unnecessary on a river where oil travels at a consistent rate in the predictable direction of river flow as opposed to fanning out based on currents and wind speed as in the sound or ocean. c) And although not certain, Tidewater may be solely responsible for implementing the aerial surveillance program given that we are the only Upriver operator that transports petroleum fuels in this area. It is not economically feasible for us to provide and maintain these resources on our own.	See line 102, 106, 111, 117, and 122

		Requests: a) Exclude Tankers carrying Group I (non-persistent) oils on the Columba River from aerial surveillance amendments. -OR- b). Exclude the Upper Columbia River from the aerial surveillance amendments	
133	C. Kent Roberts, Schwabe Williamson & Wyatt	I second the request I heard from Tidewater Barge Lines at the public hearing on September 27, that the aerial surveillance requirement be clarified to eliminate applicability as a planning standard for the upper Columbia River. The upper Columbia is narrow, confined waters. The only products carried as cargo or fuel is non-persistent petroleum. And most importantly, there is only one contingency plan holder operating on these waters – Tidewater. The regulatory cost of compliance falls on only one vessel operator, not all of the vessel operators calling in the Columbia River. This hard fact is ignored in the CBA. To impose this expense, without overwhelming proof that it would be effective for the types of products carried and in the river environment, as well as overwhelming proof that the risk far outweighs the high cost is not only poor policy, it is simply unfair.	See line 102, 106, 111, 117, and 122

WAC 173-182-324 Planning standards for Group 5 Oils			
134	Lovel Pratt, Richard Peterson, Howard Rosenfeld, Richard Fralick, Patty Miller, Jamie Stephens, County Council San Juan County	Must require that the appropriate BAT and BAP containment and recovery gear and personnel be response-ready and on-site in a timely manner to respond to spills of oil that can sink, including diluted bitumen and bunker fuels.	We have adopted the federal Group 5 Oils Planning Standard in this rule. We added a timeframe for the equipment to be on site of 12 hours instead of 24 hours as the federal standard currently requires. Additionally, we are in the process of analyzing of the properties of diluted bitumen being transported through out waters. Adopting the Group 5 oils standard is the first step in ensuring our response equipment requirements require resources for sinking oils. We will continue to evaluate our response capability for sinking oils.
135	Joe Bowles, Marine Spill Response Corporation	Some of the listed equipment (such as dredges) may simply not be available in some areas within the specified planning timeframes. Therefore, the last sentence of the introductory paragraph of subpart (1) should read: "Such equipment may include but is not limited to the following:"	We are using this standard to allow us to identify this equipment. The plan holder should plan to have this equipment available within 12 hours. This standard does not anticipate every type of dredge that may be required to respond to a sinking oil spill. This is the first step in enhancing our capabilities around responses to these types of products. We have edited the language to support your comment.
136	Carol Bernthal, Sanctuary Superintendent, Olympic Coast National Marine Sanctuary	OCNMS appreciates the need for and supports adding planning standards for Group 5 oils. The general nature of the equipment required for Group 5 oil response indicates that spill response methods for negatively buoyant oils are not well established. OCNMS recommends modifying (d) to: “Equipment necessary to assess the natural resource and habitat impacts of Group 5 oil discharges; and” to be more specific about what is being addressed. For consistency purposes,	This standard is intended to identify response equipment for Group 5 oils. We changed the "petroleum oil" to "oil" to ensure biological oils or other non-petroleum based oils would be included in this standard.

		OCNMS recommends replacing “petroleum oil” with “petroleum-based oil”, as is used in the definitions.	
137	Michael Riordan	3. Given the existing and proposed increases in the shipping of Alberta Tar Sands and Canadian crude products through these Straits, including diluted bitumen and synthetic crude oil, suitable equipment — and the personnel trained to use it — that can address the need to contain and clean up such heavy oils that sink should be a crucial part of the Oil Spill Contingency Planning rules. This would include Group V oils and bunker fuels, too.In your rule-making process, you should put emphasis on prevention over response.	This rule sets standards for contingency plans, including a new standard for Group 5 oils, and enhances our oil spill preparedness. Prevention is outside the scope of this rulemaking.
138	Rebecca CravenProgram Director, Pipeline Safety Trust	....The proposed changes to the Oil Spill Contingency Plan Rule do not adequately address the spill response capacity needed for spills of oils that can sink. New Section WAC 173-182-324 addresses Group 5 oils specifically but we question whether this new section requires any additional response capacity than that already required by federal law...equipment and appropriate personnel must beavailable to respond to spills of oils that can sink, in addition to group 5 oils. In particular, these include the bunkerfuels used for propulsion and diluted bitumen (an Alberta Tar Sands product). The Oil Spill Contingency Plan Rule must require that the appropriate BAT and BAP containment and recovery gear and appropriate personnel be response-ready and on-site in a timely manner to respond to spills of oil that can sink. It is imperative that WAC 173-182 specify that Alberta Tar Sands products including diluted bitumen and all forms of synthetic crude are subject to the Oil Spill Contingency Plan Rule	See line 134

139	Stephanie Barton, Director, NRC Environmental Services Inc.	*NRC Comments:* The proposed language for plan holders carrying Group 5 Oils states that they must have a contract with a PRC that maintains the resources and/or capabilities necessary to respond to a spill of Group 5 Oils including Sonar and Dredges. While a PRC can be expected to have access to these types of non-traditional spill response equipment, it is not cost effective to require that a PRC "maintain" these resources and/or capabilities. The specified resources are non-dedicated spill response capabilities that should be identified and available within 24-hours.	See line 134 and 135. We understand that much of this equipment maybe accessed as non-dedicated resources accessible through letters of intent.
140	Stephanie Barton, Director, NRC Environmental Services Inc.	Recommended Revised Language: (1) Plan holders carrying Group 5 Oils must have a contract with a PRC that either owns or has access to non-dedicated maintains the resources and/or capabilities that may be effective necessary to respond to a spill of Group 5 Oils. Such equipment may shall include, but is not limited to, the following: (a) Sonar, sampling equipment or other methods to locate the oil on the bottom or suspended in the water column; (b) Containment boom, sorbent boom, silt curtains, or other methods for containing the petroleum oil that may remain floating on the surface or to reduce spreading on the bottom; (c) Dredges, pumps, or other equipment necessary to recover petroleum oil from the bottom and shoreline; (d) Equipment necessary to assess the impact of such discharges; and (e) Other appropriate equipment as needed necessary to respond to a discharge involving the type of petroleum oil handled, stored, or transported.	We have adopted the federal standard for Group 5 oils but have received numerous comments from our stakeholders that it is not aggressive enough. We placed the 12 hours from notification requirement on the resources to push our exisiting capabilities forward. No change was made based on your proposed language.

		(2) The equipment identified should ~~must~~ be suitable for the geographic area authorized for operations and these resources must be capable of being on scene within ~~twelve~~ twenty-four hours of spill notification.	
141	Rebecca Craven Program Director, Pipeline Safety Trust	.... To paraphrase, the standards essentially say: "Have enough capacity to respond within 12 hours." Unfortunately, with this type of standard, you will only learn that it is not strong enough after a spill, when an approved response plan results in an inadequate response and clean up. The standards should be strengthened to provide some reference to the volume of spill and geographic area the plan holder should be prepared to respond to; some quantity of equipment, materials and staffing that needs to be available, and the response time should be reduced to fewer than 12 hours. For products like dilbit, where the volatilization of the diluents triggers the sinking of the oil and dramatically increases the difficulty of a cleanup and recovery effort, time is of the essence, and every hour after a spill means more product sinking. Twelve hours seems excessive. Adding tar sands synthetic crude and dilbit to the oils covered under these Group 5 standards will help, but will not provide complete preparation for a spill. Some of the product will float for some period of time, and the plan holder needs to be able to respond to the spill accordingly, with responses appropriate to floating oils in the first period following the spill, and transitioning to add in efforts to recover the sinking oil products when the sinking occurs.	See line 134 and 135, 143.

142	Ty Gaub, U.S. Oil and Refining Company	The first paragraph of this new section starts out by stating that "Plan holders carrying Group 5 Oils must have a contract with a PRC that maintains…… "The applicability of this section needs to be better clarified as the term "carrying" can be interpreted to encompass a broad range of transportation types. Does the term "carrying" only refer to vessels or does it also include pipelines (in plant transfer, or transmission), trucks/railcars carrying asphalt products/heavy fuel oils, etc? For example, while U.S. Oil manufactures Group 5 oils we are not a "carrier" of Group 5 oils per se even thought we can transfer some heavy fuel oil products that have API gravity of 10.00 or less to vessels at our marine terminal via our refinery-to-dock pipeline.	Based on your comment we clarified the rule language to clearly identify plan holders are impacted by this new standard.
143	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Page 30 WAC 173-182-324 (Group V oils) refers to especially heavy oils that may be neutrally buoyant or tend to sink. Part (a) requires sonar, sampling equipment, and methods to locate such oil suspended in the water column and Part (b) refers to dredges, pumps or other related equipment". While we are aware of ad hoc efforts made on past spills to detect and recover submerged or sunken oils, we do not believe that there is proven, reliable technology available for these tasks.Much of the equipment would not be used during the initial 'emergency' phase of a response. Instead, such equipment would be used in the later 'project' phase of the operation that would follow the initial on-water and shoreline response. To require that this capacity be held in contract and on site within 12 hours (Part (2)) appears excessively prescriptive. The use of sonar and dredging equipment requires specialized training for effective and safe use that can only be provided by appropriate organizations such as the	The requirement is placed on the plan holder to have a contract with someone for this type of equipment. We understand that sinking oil recovery is often ad hoc but the types of equipment identified are useful for locating and recovering submerged oil. In order to ensure that the equipment is, to the best of our ability, pre-identified and staging is known we have set the time for equipment to arrive on scene at 12 hours.

		military or dredging companies. We believe it is beyond the ability of a PRC to hold this highly specialized and expensive equipment in their inventory and believe this requirement does not take into account the cost of the measures as required in section WAC 173-182-030 (Definitions) Part (3)(c). We note that the federal requirement (33 CFR 155.1052) requires such equipment to be available but does not place this requirement on the PRC and requires the equipment to be available within 24 hours.	
144	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Page 30 WAC 173-182-324 (Group V oils) Part (1)(b) refers to the requirement for a covered vessel to pre-contract with a PRC that has equipment to reduce the spreading of oil on the sea bottom. In many instances such equipment, if available, would require the involvement of highly trained divers that are not employed usually by a PRC.	Since the federal government already approves Group 5 Oil Spill Response Removal Organizations we feel that this is not too big of a lift. We are expecting the plan holders who handle group 5 oils will identify a PRC with those capabilities and have a contract. That said these types of resources are often secured through subcontracts and the resources are generally not dedicated to oil spill response.
145	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Page 30 WAC 173-182-324 (Group V oils) Part (2) specifies that the equipment for response to Group V oils must be suitable for the "geographic area authorized". We are not clear what is meant by this term, for example whether this means State inland waters, the Pacific Northwest, the US West Coast etc. The need to maintain the range of equipment required to operate in all areas would place an enormous financial burden on a PRC.	We adopted this from the federal government. We realized that "the geographic area authorized" is a federal term of art. Since we do not classify state approved PRCs in this way we removed this language.

146	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Page 30 WAC 173-182-324 (Group V oils) Part (1)(e) specifies a PRC has other "appropriate" equipment necessary to respond to a discharge involving the type of petroleum oil handled stored or transported. We are not clear as to the obligations imposed on the owner of covered vessel by this term.	We are asking the PRCs to tell us what other types of equipment could be used for a group 5 oil response. . This is used to allow PRCs to identify other types of equipment that may be useful. It is not intended to be prescriptive.
WAC 173-182-325 Planning standards for dispersants			
147	Ken Crawbuck	4) This document should also prohibit the use of Corexit as a dispersant as has been done in the United Kingdom. There appear to be real and significant side effects to people and the environment during the recent BP disaster in the Gulf.	Toxicology tests and reports are required for all dispersants that are listed on the National Contingency Plan (NCP) Product Schedule, the authorized list of dispersant. The listing of a product on the Product Schedule does NOT approve, recommend, or authorize the use of the product. The listing means that data have been submitted to EPA as required by the National Contingency Plan. In an oil spill event the dispersant to be used must be listed on the current NCP product schedule and considered appropriate for the product type and conditions of the day. All determinations regarding the specific application or use of a dispersant are made in accordance with the policy in the Northwest Area Contingency Plan. Please see the Plan for the full area policy on dispersants. Washington State alone is not in a position to ban Corexit. Ecology may use the 5 year BAP review cycle to continue to evaluate lessons learned regarding dispersants and inform our a future rule update.

148	Stephanie Buffum, FRIENDS of the San Juans; Donna Gerardi Riordan, Orcas NO COALition; Becky Hellman, Lopez NO COALition; Matt Krogh, North Sound Baykeeper, RE Sources for Sustainable Communities; Terry J. Wechsler, Protect Whatcom Fred Felleman, Wave Consult	7. Prohibit the use of Corexit as a dispersant as has been done in the United Kingdom.	See line 147.
149	Geoffrey Prentiss, Hellen Machin-Smith, Jai Boreen	6. Prohibit the use of Corexit as a dispersant as has been done in the United Kingdom; and	See line 147.
150	Carol Bernthal, Sanctuary Superintendent, Olympic Coast National Marine Sanctuary	OCMNS supports the addition of language to this planning standard. As we understand it, commonly available dispersants are not equally effective at water temperatures typical for Washington state waters. The requirement for identification of dispersant type available and equipment necessary to reliably apply and monitor effectiveness of dispersant will provide plan reviewers the ability to assess more accurately and thoroughly if this planning standard can be met.	Thank you.

WAC 173-182-325, 330 Planning standards for dispersants and insitu burning			
151	Chris Wilke, Puget Soundkeeper	….references to insitu burning and chemical dispersants should include noting the areas where they can be used… and there should be substantial penalties for unauthorized use of either technique.	Each plan holder commits to following the policies in the Northwest Area Contingency Plan (NWACP). The NWACP includes policies for the use of in-situ burn and dispersants. All plan holders commit to the use of the NWACP in their plans. If a plan holder used dispersants or in-situ burn in the absence of an approved plan they would be subject to penalties.
WAC 173-182-335 Planning standards for storage			
152	Chris Wilke, Puget Soundkeeper	… The removal of the "best available technology" language from 173-182-335 section on storage equipment..... Under 1186, the state is required to ensure that contingency plans require that equipment meets "best achievable technology" … Specifically the use of bladders poses a serious risk in high energy environments. At least 50% of the storage vessels should meet best achievable protection standards thereby eliminating the use of bladders. We also do not agree with allowing 75% of the recovered oil storage requirement for vessels to be achieved utilizing upland facilities rather than barges.... this (storage) remains a weak link in the whole response network and should have been addressed in this rulemaking.	The rule does not allow 75% upland storage devices. The rule allows a 50% shore side storage credit in marine environments and 65% shore side storage credit in freshwater environments. In the proposed language we added a requirement that 25% of the on-water storage requirement, at 24 hours, in the planning standard tables must be dedicated to oil spill response. We removed the requirement found in previous draft versions of the updated rule language requiring the dedicated storage to demonstrate best achievable technology (BAT) because we have not defined BAT for storage. We may determine BAT for storage using a future 5 year best achievable protection (BAP) review cycle.

153	Jerry Joyce, Advisor on Marine Issues on behalf of Seattle Audubon Society	Storage of recovered oil and oil-water mix has frequently been identified as a major vulnerability in effective response. This rule (WAC 173-182-335 Planning standards for storage) addresses the issue by requiring that, for covered vessels, "at least 25% of the total worst case discharge on-water storage requirement must be staged and dedicated to oil spill response." However, between the final draft of the Rule Advisory Committee and the release of this public comment draft, the requirement that these "storage devices meet the requirements of best available technology" was removed. The specific reason for this phrase was that the storage requirement might be met by inefficient and ineffective storage bladders or other storage methods that are inadequate for the sea conditions. Therefore, we **recommend** that this phrase requiring best available technology is returned to the final rule so Ecology will have the discretion to determine if a storage system is adequate for the potential spill and environment.	See line 152.
154	Lovel Pratt, Richard Peterson, Howard Rosenfeld, Richard Fralick, Patty Miller, Jamie Stephens, San Juan County Council	We support the inclusion of a dedicated storage barge, combined with the Neah Bay Response Tug to enable tankers to meet upcoming changes in federal regulations with moving the High Volume Port Line from Port Angeles to Cape Flattery.	The impacts of moving the Federal high volume port line are outside the scope of this rulemaking.

155	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Page 32 WAC 173-182-335 (Storage) requires owners of covered vessels to maintain storage dedicated to oil spill response that can store liquid equivalent to 25% of the total worst case discharge that is 25% of the volume of all oils carried. We consider this volume of storage is excessive and should be based on a reasonable/probable worst case scenario. We note that the federal regulations (33 CFR 155 Appendix B 9.2) require the capacity of temporary storage to be linked to the capacity of recovery devices and we consider this approach to be more helpful.	See line 152.
156	Fred Felleman, NW Consultant Friends of the Earth; Marcie Keever, Oceans & Vessels Project Director Friends of the Earth	…We do not agree with requiring plan holders to have dedicated barges to store only 25% of recovered oil even though Ecology previously allowed the entire amount of recovered oil to be met with barges of opportunity. Furthermore, Ecology should only be providing storage credit for utilizing upland facilities if they can show how they meet the continuous recovery goals of the rule. In addition, there should be a defined phase in schedule in which all storage should meet Best Achievable Protection (BAP) standards thereby eliminating the use of bladders within 5 years rather than first addressing the issue in five years as proposed.	See line 152.
157	Stephanie Barton, NRC Environmental Services Inc.	There is no demonstrated justification for requiring dedicated storage in the Puget Sound. Access to available tank barges has never been a limiting factor to cleanup operations. The current planning standards are sufficiently rigorous to ensure (more than) adequate storage capabilities are identified far in excess of historically demonstrated need. Therefore the proposed requirement to have 25% of the total worst case discharge be staged and dedicated would be a huge cost with no additional benefit.	See line 145. The requirement that some storage be dedicated is based on the ability to evaluate recovery systems. Plan holders cannot identify and test systems where 100 % of the on water storage requirements are met through non-dedicated storage devices.

158	Roger Mowery, Executive Director, Washington State Maritime Cooperative	First we seek clarification of the rule requirement that at least 25% of the total worst case discharge be dedicated equipment is meant to apply to the 24-hour planning standard. The version of the rules published for public comment does not specify a specific planning standard hour threshold.... Assuming the proposed rule does apply to the 24-hour standard, this requirement is overly burdensome and does not recognize the amount of on water storage that would be available from barges within 24 hours of the start of an oil spill incident. WSMC currently holds letters of intent from barge operators that could readily provide this necessary storage. Should an oil spill incident occur, such that on water storage from barges is needed, these barge companies would be called upon to provide on-water storage. In all likelihood, the port would be shut down due to the spill incident, freeing up even more barges for on-water storage, far exceeding the 24 hour requirement. We have confirmed just such barge availability as part of our response equipment drill exercises in the past. There are already planning standard requirements that require plan holders to list in their plan their access to appropriate quantities of storage. Rather than require the procurement of dedicated barges to meet the 24 hour requirement, the rule should allow plan holders to make use of the large barge fleet in Puget Sound. We recommend that Ecology not require dedicated storage levels at the 24 hour period, but rather require plan holders confirm and document sufficient barge availability during deployment exercises. This would provide Ecology assurance that plan holders can indeed provide the level of storage required by the 24 hour planning standard.	See line 152 and 157.

159	Chad Bowechop, Manager Makah Office of Marine Affairs	The MTC has the most difficulty with the way the rule addresses storage of recovered oil, which has been identified as inadequate for many years, especially in Neah Bay. The MTC strongly recommends there be a defined phase in schedule where all storage should meet Best Achievable Protection (BAT) standards thereby eliminating the use of bladders within the first 5 years of rule implementation. It is also our belief that Ecology should only provide storage credit for utilizing upland facilities if they can show how they meet the continuous recovery goals of this rule. There should be a timeframe set as to how long it will take to accomplish. We request that this be specified in the rule and documented in the Technical Manual.	See line 152. The technical manual will detail storage for the recovery systems required by the planning standards through hour 48 in the Neah Bay, San Juan Islands, and Cathlamet planning standard areas. The technical manuals will be used inform our evaluation of the response systems relied on by plan holders and the equipment capability of those systems. We will use the technical manuals to inform the 5 year BAP cycle and future rule updates.
160	Chad Bowechop, Manager Makah Office of Marine Affairs	Provide a response time standard for the 25% dedicated storage requirement at 173-182-335 and have all storage meet BAT within the first 5 year rule cycle.	See response line 152.
WAC 173-182-348 Documenting compliance with the planning standards.			
161	Jerry Joyce, Advisor on Marine Issues on behalf of Seattle Audubon Society	We want to reiterate our serious concern that the use of EDRC (WAC 173-182-348 Determining effective daily recovery capacity) to determine potential oil recovery is not adequate or even appropriate. While it was stated during the Rules Advisory Committee that the USCG was currently reviewing this methodology, we do not believe it is wise to wait for the USCG to issue its review, as many reviews have been delayed multiple times, some for years. Additionally, there is ample evidence that other available methodology such as ASTM Standard F1780-97 (or later) is much more	We will use the newly required technical manuals and the 5 year best achievable protection review cycle to evaluate alternatives to EDRC. We cannot at this time commit to phasing out EDRC.

		effective in determining recovery capacity. Therefore we recommend that the EDRC section be replaced by a more appropriate methodology. If this is not possible at this point, this section should state that the alternatives to the EDRC method are aggressively investigated and that utilization of an improved methodology be implemented as soon as it is shown to be superior to EDRC.	
WAC 173-182-349 Covered vessel plan holders technical manuals.			
162	Carol Bernthal, Sanctuary Superintendent, Olympic Coast National Marine Sanctuary	in -349(5), seems like you want those things described for each storage system to meet the requirement, not the general storage requirement	This is based on the planning standard tables found in the San Juan County, Neah Bay, and Cathlamet planning standard areas. We are requiring detail on the system that makes up the storage requirement. No changes were made based on your comment.
163	Carol Bernthal, Sanctuary Superintendent, OCNMS	- in -349(1), frames could be singular.	Your requested change has been made.
164	Jerry Joyce, Advisor on Marine Issues on behalf of Seattle Audubon Society	One partial approach to the shortcomings of EDRC is to require technical manuals that evaluate the implementation of best achievable protection systems (WAC 173-182-349 Covered vessel plan holders technical manuals). While not as good as a full replacement of the EDRC method with an improved method, the technical manual does fill some of this gap. However, this manual is required only for "Each covered vessel plan holder that operates or transits in the Neah Bay, Cathlamet, or San Juan Islands planning standard areas." This unfortunately leaves a major gap in evaluation for vessels operating outside of these areas, including (but not limited to) central and south	The areas currently identified will inform systems for response throughout Washington waters. This is the first step in the evaluation of the systems approach. If necessary, we may add requirements for technical manuals that cover additional areas in a future update to the rule.

		Puget Sound, and Gray's Harbor. Additionally, this does not require such a technical manual for facilities, and pipelines, potential major sources of spilled oil. Therefore we recommend that the technical manual apply to all plan holders.	
165	Carol Bernthal, Sanctuary Superintendent, Olympic Coast National Marine Sanctuary	OCNMS supports this new section covering technical manuals, which should facilitate evaluation of best available protection with recovery and storage systems.• Subsection -349(3)(d) is odd in that it identifies a specific boom capacity (or alternative) which would be better identified in a staging/planning area standard. An alternative wording might be "a description of boom (a minimum of 300 feet) or an alternative based on manufacturers' recommendations to enhance each skimmer system".	The 300 feet is an appropriate length of boom to identify to support enhanced skimming. This is also aligned with the process identified in the USCG OSRO certifications guidelines. We feel the language as written addresses our intent.
166	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Page 32 WAC 173-182-349 (Technical manuals) Part (3)(g) requires details of the ability of recovery systems to work at night should be included in the manual. As discussed above we consider work during the hours of darkness to be ineffective, inefficient and unsafe.	We are allowing the plan holder or PRC to identify those systems they feel would be appropriate at night. It may be none of their systems or all of their systems. By asking for this information we are not requiring the systems to operate at night. We are asking for the plan holder/PRC to identify their capability for operations at night. Decisions to utilize night operations during an actual spill response will be made by the Unified Command and will likely consider such things as effectiveness and safety.

167	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Page 32 WAC 173-182-349 (Technical manuals) Part (3)(j) requires "the product type the associated skimmer is optimized for" to be specified. We are not clear what is meant by the term "product type "and it would be helpful if the Department could provide clarification.	Some skimmers are optimized for refined products and some are optimized for crude. We are asking for information about the oil type that the skimmer is optimized for. We changed it to "oil" from "product" so our intent would be clear.
168	Joe Bowles, Marine Spill Response Corporation	Consistent with other language in the rule, the end of subpart (1) should read … "to meet the recovery and storage planning standards, through the 48 hour …" In subparts (3)(e) and (5)(c), "mobilization time" shall be replaced with "mobilization planning factor" to be consistent with 173-182-350(3).	We reviewed your comment but we do not believe a change is necessary.
169	Ernie Quesada General Manager Clean Rivers Cooperative	Clean Rivers is familiar with technical manuals used in other work environments which are different from the Columbia River. For example, Clean Rivers has worked with the technical manual prepared for Alaska response. The needs and purposes of that manual do not match with the more limited needs and purposes for a confined water space on the Columbia River, especially since most of the technical information and response information for the Columbia River system is already laid out in the MFSA contingency plan and in training materials used by Clean Rivers members and Clean Rivers' PRC. Based on Clean Rivers' experience working with technical manuals in spill response training, drills and responses, it is unreasonable and absurd to estimate that a technical manual can be produced for all of the equipment systems in the Clean Rivers response system in 40 hours. Ecology can meet its needs for technical manuals by participating actively in drills and training exercises conducted regularly by Clean Rivers on the Columbia River. We are happy for	Technical manuals are not only for Ecology but for plan holders and stakeholders to understand the response systems relied on in the plans. Technical manuals may be used as a training tool but that is not the only purpose. The purpose is also to inform and describe the response systems so they can inform our Best Achievable Protection and Best Achievable Technology review. The technical manual is intended to go beyond the spreadsheet. Ecology is not in the position of prescribing how PRCs should put their equipment together, that is why this is a requirement for Plan Holders. In order to evaluate equipment capability and equipment compatibility the equipment must be described as a system, by those who have control of the equipment.

		Ecology's personnel to join us at any time. This is a much better approach to comprehensive spill response management than requiring PRC's like Clean Rivers to prepare a very expensive set of manuals that add nothing to the training or responsiveness of the Clean Rivers system.	
170	Liz Wainwright, Maritime Fire and Safety Association	MFSA objects to the requirement for technical manuals and asks that proposed rule at WAC 173-182-349 be struck from the new rulemaking. In the alternative, MFSA suggests that Ecology review the existing information in contingency plan appendices describing the equipment in deployment systems, and work with stakeholders to enhance the existing plan information during a normal plan review cycle, rather than require the production of expensive technical manuals which do not enhance spill response by PRCs or responsible parties. With the exception of pictures or diagrams, the information WDOE seeks is for the most part already included in spreadsheet appendices to the MFSA plan describing planning standards, and in schedules describing equipment systems. The only justification for this expensive requirement is to help Ecology train its own people. This should be an activity taken on by Ecology, rather than a cost imposed on the plan holders. Ecology staff with be informed by equipment used by PRCs, much of which is standard in the industry, through attendance at deployment drills, training sessions or other activities regularly conducted by PRCs and plan holders. The technical manuals add nothing to PRC preparedness and they add nothing to a spill response managed by a plan holder or RP. Further, for the Columbia River system and MFSA's area	See line 169

		coverage, it is nonsensical to have the technical manual apply to the Cathlamet region. The majority of the MFSA response equipment in its system is concentrated in the industrial areas upstream from Longview, Washington. Because the MFSA system is a multi-tiered, flexible system with equipment that moves up and down the river, with the ability to be deployed within 48 hours on the entire lower Columbia River, this requirement imposes on MFSA the obligation to provide technical manuals for virtually all of the spill response equipment in its system.	
WAC 173-182-350 Documenting compliance with the planning standards			
171	Chad Bowechop, Manager Makah Office of Marine Affairs	Require that alternate mobilization or deployment times allowed under 173-182-350 reflect average or typical (rather than ideal) weather and environmental conditions for the operating area.	Your requested change has been made.
172	Chad Bowechop, Manager Makah Office of Marine Affairs	5(c) If 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 the department during a drill or spill or <u>verified by modeling using defined mobilization times</u> it may result in disapproving the alternative **or adding additional conditions.**	If the performance was not demonstrated, and Ecology chooses to disapprove the alternative then another alternative, or meeting the standard as written, would be required. We don't want to create a scenario where we require additional conditions without describing in the rule how they would be assigned.
173	Carol Bernthal, Olympic Coast National Marine Sanctuary	- in -350(3), could add "required for" between "will include time" and "for notification"	Your requested change has been made.

WAC 173-182-370 San Juan County planning standard			
174	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	A newly added part of the standards, for example in WAC-173-182-370 San Juan County, require within four hours "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". .... We are not clear how boom and storage could be used to collect and separate oil from water without a recovery device. We are alsonot clear as to how the water should be separated from the oil and the process by which the water can be dealt with. Furthermore, we are not clear why temporary storage is required at this stage of the response prior to the requirement for a recovery device (pump or skimmer) that would berequired to fill the storage device. The same newly added part of the standards requires the boom to "be capable of encountering oil at advancing speeds of at least 2 knots in waves." We are not clear as to whether the boom should bemerely capable of withstand such currents and waves or whether the boom should be capable of containing oil in such conditions. In our experience, boom is rarely capable of containing oil successfully in currents in excess of one knot and in waves. As a consequence, we are not clear why these performance criteria are required.	The performance criteria are calling out capable boom, such as current buster boom, to arrive on-scene within 4 hours. Because the current buster boom has a pocket it can collect and separate oil without a recovery device. Additionally, the design of the buster boom is such that it is highly maneuverable and can encounter oil at advancing speeds of 2 knots. This is a great improvement over traditional boom performance. Based on these enhanced capabilities we feel this boom requirement represents an investment in best achievable protection in contingency plans.

175	Barbara L. Brown	Please make sure that San Juan County is a staging area for oil spills and that the necessary equipment is available for local use. Oil from tar sands in Alberta is more toxic than the oil spilled in the gulf by BP and is heavier. With rocky shorelines on both sides of Haro Strait, both Canadian and U.S. islands are vulnerable to potential spills. The oil pipeline to Vancouver, B.C. is scheduled for expansion and tankers carrying the oil must come through narrow channels with many reefs and vulnerable species.	We recognize the remote nature of the San Juan Islands by requiring the 2 and 3 hour planning standards for the San Juan Planning Standard area to be resident. This rule does not prohibit staging in the San Juan Islands. In the event of a major spill the increased spill response equipment required for the 4 hour planning standard and required in the existing 6 hour standard can reach all areas of San Juan County in the time required. Equipment and personnel currently staged in Bellingham, Ferndale, Port Townsend, and Port Angeles (to name a few) can be cascaded in to support responses in the San Juan County Planning Standard Area. The San Juan Islands are not as remote as Neah Bay and, based on the existing infrastructure it is not ideal to designate the San Juans as a staging area in order to facilitate effective staging of resources. In the last rule updated we increased our planning standards and set standards for communities throughout Washington Waters. If we designate the San Juans as a staging area and require equipment to be resident for the 4 and 6 hour planning standards this substantive change would impact capabilities created in other communities from the previous rulemaking. Ultimately, the 4 hour and 6 hour requirements are best met giving plan holders and PRCs the ability to stage the equipment where it can be cascaded into the region.

176	Cynthia Olsen	I think the preparation for oil spills should follow the guidelines proposed by the San Juan County Council. Actually, I believe that we simply cannot do enough to protect the Salish Sea.	See response to San Juan Council comments lines 53, 57, 78, 154, 181, 212, 236, 237, 257-263
177	Jan Sundquist	With the very real threats of a major oil spill OR a major Coal dump in San Juan County, NOW is the time to determine where & how to protect the Salish Sea and the surrounding Islands by designating San Juan County as a Staging Area for specialized equipment and trained personnel in order to reduce the impacts of these awful ecological and economic disasters. Please pay special attention to potential spills of "sinking oils" and Group V oils, fuels and tar sands. More & more I'm, as a resident of Lopez Island in the San Juan Islands group, afraid of what will happen WHEN (not IF) one or more of these disasters happens. The loss of wild and marine life, breeding and spawning grounds, and the beauty and pristine surroundings is beyond my ability to measure. WHEN something happens this whole area will NEVER be the same....	See response line 175.
178	Pat Colyer	I am quite disturbed to read about a proposal to route oil-bearing ships through the San Juan Islands and tentative plans to cope with oil spills. As property owners on one of the San Juans, with a gravel-sand beach a few steps from the front door, our property would suffer significant damage in case of an oil spill. So would the bottom dwelling sea creatures and the sea grasses and algae, all of them vital to the area economy. Where are the environmental impact studies? I've read	Thank you for your comment. This rule regulates oil handling facilities, pipelines, over 300 gross ton ships involved in commerce and tank vessels and barges of any size. The rule requires contingency plans which describe how regulated contingency plan holders will respond in the event of a worst case discharge. We have added you to the Spills Program list serve to ensure you receive updated

		no mention of any. The people of our state, not just those in the San Juans, should know of this quite likely damaging proposal. I would like to be kept up to date on this issue.	information about the rule and other aspects of Spills Program work.
179	Chris Wilke, Puget Soundkeeper	San Juan County needs to be designated as a staging area, like Neah Bay, requiring dedicated gear, storage barges, to cover up to the 6-hour planning standard. With the difficulties of logistics, the San Juan Islands and outer coast need more staged equipment and storage... this must include, at minimum, a dedicated mini-barge and 2 resident workboats and VOOs.	See response line 175.
180	Stephanie Buffum, FRIENDS of the San Juans Donna Gerardi Riordan, Orcas NO COALition Becky Hellman, Lopez NO COALition Matt Krogh, North Sound Baykeeper, RE Sources for Sustainable Communities Terry J. Wechsler, Protect Whatcom Fred Felleman, Wave Consult	Having San Juan County identified as a Staging Area and having additional spill response equipment and personnel resident in San Juan County to meet the two, three, four, and six hour planning standards will significantly improve the response time and the capacity to contain and clean-up a major spill. The Oil Spill Contingency Plan Rule must require the appropriate geographic distribution of spill response equipment and personnel. As a Planning Standard Area, only the resources to meet the two and three-hour required timeframe standards must be resident. To meet the four and six hour planning standard, the law only requires that equipment and personnel reach the nearest border of the Planning Standard Area in the required timeframe. Equipment and personnel resident in Anacortes, Bellingham Bay, or Port Angeles will likely be able reach the east side of our County but there are no assurances that the two, four or six-hour planning standards can be met if there is a major spill in Haro Strait.	See response line 175.

181	Lovel Pratt, Richard Peterson, Howard Rosenfeld, Richard Fralick, Patty Miller, Jamie Stephens, County Council San Juan County	Must define San Juan County as a Staging Area and must specify that the two, three, four and six hour planning standards be resident.	See response line 175.
182	Stephanie Buffum, FRIENDS of the San JuansDonna Gerardi Riordan, Orcas NO COALitionBecky Hellman, Lopez NO COALitionMatt Krogh, North Sound Baykeeper, RE Sources for Sustainable CommunitiesTerry J. Wechsler, Protect WhatcomFred Felleman, Wave Consult	Another justification for San Juan County's designation as a Staging Area and requiring that the two, three, four, and six hour Planning Standards be resident is to avoid taking species listed under the US Endangered Species Act or the Canadian Species at Risk Act, including Southern Resident Killer Whales (Orcinus orca), Marbled murrelets (Brachyramphus marmoratus), and some ecologically significant units of species of Pacific salmon (Onchorynchus spp.), which traverse the boundary daily.Ensuring that the appropriate BAT and BAP containment and recovery gear and personnel is response-ready and on-site in a timely manner in the event of a major spill in Haro Strait will reduce the impacts and avoid losses to the orca whales and their entire food chain (including federally listed endangered Chinook salmon). The value of a southern resident orca whale can be quantified and that cost must be included in the Cost-Benefit and Least Burdensome Alternative Analysis.	See response line 175.

183	Stephanie Buffum, FRIENDS of the San Juans Donna Gerardi Riordan, Orcas NO COALition Becky Hellman, Lopez NO COALition Matt Krogh, North Sound Baykeeper, RE Sources for Sustainable Communities Terry J. Wechsler, Protect Whatcom Fred Felleman, Wave Consult	1. Identify and designate San Juan County as a Staging Area and specify that the two, three, four, and six hour planning standards be resident; 2. Distribute equipment and personnel to the San Juans sufficient to address the risk from oil and diluted bitumen tar sands spill;	See response line 175.
184	Michael Riordan	2. Should an oil spill occur, the ability to respond rapidly and contain the spill is paramount. Therefore sufficient oil-spill response equipment and materials should be stationed right here in the San Juan Islands, again probably in Friday Harbor as the best location. And sufficient personnel, whether state or local government employees, should be sufficiently trained to deploy them, possibly with the aid of well-trained volunteers.	See response line 175.
185	Helen Price Johnson, Island County Commissioner And Phil Johnson, Jefferson County Commissioner, Washington State Association of Counties	The Oil Spill Contingency Plan Rule must require the appropriate geographic distribution of spill response equipment and personnel. Neither Ecology nor the US Coast Guard has provided San Juan County with assurances that the appropriate spill response equipment and personnel can be on-site in the event of a major spill in Haro Strait in the four and six hour planning standard time-frames. While the new four hour and existing six hour planning standards can be	See response line 175.

		legally met for the San Juan County Planning Standard Area given that equipment and personnel can reach the eastern edge of the San Juan County Planning Standard Area in the required time-frames, a major spill in Haro Strait is not assured the necessary equipment and personnel response times unless the appropriate equipment and personnel are resident. San Juan County resident personnel and equipment must be able to initiate a full response until additional equipment can cascade into the region. WAC 173-182-370 must define San Juan County as a Staging Area and must specify that the two, three, four, and six hour planning standards be resident. Especially given the increased risk of a major spill from the increased traffic proposed by the Gateway Pacific Terminal and the increased export of diluted bitumen, having San Juan County identified as a Staging Area and having additional spill response equipment and personnel resident in San Juan County to meet the two, three, four, and six hour planning standards will significantly improve the response time and the capacity to contain and clean-up a major spill.	
186	Scott Herning Friday Harbor	I am a resident of San Juan County and I could not imagine an oil spill throughout these waters. Please enact all necessary precautions in regards to this manner. I cannot even imagine how devastating this would be.	See response line 175.
187	Geoffrey Prentiss, Hellen Machin-Smith, Jai Boreen	1. Must define San Juan County as a Staging Area and must specify that the two, three, four, and six hour planning standards are resident; 2. Distribute equipment and personnel to the San Juans sufficient to address the risk from oil and diluted bitumen tar sands spill;	See response line 175.

188	Chad Bowechop, Manager Makah Office of Marine Affairs	San Juan County needs to be designated a staging area, like Neah Bay, requiring dedicated gear, including storage barges, to cover up to the 6-hour planning standard. This is critical if plan holders intend to move equipment to Neah Bay to meet the new High Volume Port requirement without backfilling what they may take from Port Angeles.	If any equipment must be moved to Neah Bay based on impacts from the high volume port line, equipment will need to be purchased in any case where other standards can no longer be met based on the equipment moving further outside the operating area. Any moves of equipment for the high volume port line will not be at the expense of equipment being staged or cascaded into the San Juan Islands planning standard area.
189	Diane Kaufman	As a resident of San Juan Island I am greatly concerned with having a thorough contingency plan for any eventual oil spill. I am aware of the proposal by SSA Marine and Peabody Coal to build the Gateway Terminal at Cherry Point and I'm aware of the tanker traffic going through Haro and Rosario Straits already. We have been lucky so far. I know also that there are other ports being proposed in order to ship more coal to Asia. All of these proposals are risky for so many reasons of which you are well aware. Our islands here depend on tourism in order to survive but beyond that we live here for the natural beauty: the beaches, the whales, the water and the fish. This area has unparalleled beauty. A major oil spill that could easily happen on a foggy night or stormy sea could change all of that instantly especially in light of the possibility of an increase in tankers. For that reason we need an immediate response. We need our islands to be a staging area with a ship(s) and personnel to be readily available and this should be spelled out in the contingency plan. I look out on Haro Strait from my home and there is almost always a cargo ship or tanker going through. It is busier than it was when we first	The Gateway Terminal is outside the scope of this rulemaking. Please see lines 53, 57, 78, 154, 181, 212, 236, 237, 257-263for formal responses to the comments of the San Juan County Council.

		moved here. I'm also concerned about the invasive species that can and do arrive on our shores from the ballast water. I would like to see a regulation that does not allow the ballast water to be dumped in these waters from tankers, cargo ships or cruise ships. For the record, I do not like the idea of coal being shipped to Asia with the resulting mercury from burning finding its way back to the Northwest which it is doing right now. I believe that protecting our environment is of top priority. Once we lose these treasures we may never get them back.	
WAC 173-182-380 Commencement Bay/Quartermaster Harbor planning standard			
190	Bill Anderson Executive Director Citizens for a Healthy Bay	As the Department determines high current boom phase-in schedules, it should logically consider the volume of vessel traffic in certain areas of the Sound, the likelihood that a spill could adversely impact highly productive habitat and whether an area includes marine conditions (such as high currents) where this equipment would be especially useful. Commencement Bay adjoins Vashon and Maury Islands and any substantial spill could impact the shores and harbors of those islands as well as Colvos Passage, between Vashon and the Peninsula.…We urge that the Department revise proposed RCW 173-182-130 to provide the same 18 month high current boom implementation schedule for Commencement Bay as is being planned for Neah Bay and the San Juans.	Beyond the new four hour standard there are a lot of new equipment investments and trainings required by this rule. The costs of implementation of this rule are high and we are phasing in this new requirement over time to support plan holder's ability to comply. No change to the rule was made based on this comment.
WAC 173-182-395 Neah Bay staging area			
191	Frank Holmes on behalf of Western States Petroleum Association	Last line does not include the "4-hour" addition to the list of resources that must be resident. Was this an oversight, or intentional?	This was an oversight; this has been updated in the final draft of the rule.

192	Carol Bernthal, Sanctuary Superintendent, Olympic Coast National Marine Sanctuary	OCNMS supports additional response assets for the Neah Bay staging area through the new 4-hour standard and equipment appropriate for open water and high current conditions relevant to this operational area. • It is unclear why this area is called a staging area as opposed to planning standard as is used for other areas. Also, it is unclear why boom and recovery resources required for 2, 3 and 6 hour standards are required to be resident but not for the 4h standard.	Neah Bay is referred to a staging area for two reasons; Neah Bay is remote and presents a challenging operating environment which requires specific response equipment types. The term staging area is not remarkably different than planning standard areas because in each planning standard area we have the option to require the equipment to be resident. It was an oversight that the equipment to meet the 4 hour planning standard area was not required to be resident in Neah Bay. We updated the language in the Neah Bay standard to reflect that the equipment required to meet the 4 hour standard in Neah Bay must also be resident.
193	Chad Bowechop, Manager Makah Office of Marine Affairs	To improve continuous response capacity, those areas required to meet the 4-hr rule need to include not just "current buster" type capabilities, and need to be paired with at least one workboat and mini-barge (<300 bbls).	We feel the equipment to meet the 4 hour planning standard represents best achievable protection and are a significant rule enhancement. Work boats to deploy the new 4 hour asset are required because the boom must have associated vessels for deployment. We are not requiring a mini barge to be staged with the boom because the unique boom we require for the 4 hour standard has associated temporary storage capability. Additional storage comes in with the 6 hour standard.
194	Carol Bernthal, Sanctuary Superintendent, Olympic Coast National Marine Sanctuary	- in -395 for the 4h standard, suggest using barrels not bbls, which is not used widely in other places.	Your requested change has been made.

195	Chad Bowechop, Manager Makah Office of Marine Affairs	Inaccessible areas of high biological and cultural value associated with high traffic volumes, such as Neah Bay and the San Juan Islands, need both dedicated and resident equipment to be able to initiate a full response until additional equipment can cascade into the region. This needs to include a dedicated mini-barge and 2 resident workboats and VOOs.	We feel our standards are prescriptive and address these types of response needs without being overly prescriptive. Additional detail about any response gaps will be identified through review of the technical manual. See also line 192.
WAC 173-182-405 Grays Harbor planning standard			
196	Carol Bernthal, Sanctuary Superintendent, Olympic Coast National Marine Sanctuary	Grays Harbor planning standard: OCNMS supports additional response assets added to this planning standard through the new 4-hour standard. While some of the equipment identified in this planning standard is focused on calm water conditions, the operational area for this standard includes the open ocean and high current areas adjacent to the harbor entrance. • To remove ambiguity, OCNMS recommends changing the 4-h standard by replacing "This boom shall be of a type appropriate for the operating environment" with "This boom shall be of a type appropriate for open water deployment".	Our intent is for the equipment to be effective in the Grays Harbor planning standard area. Because both the open water and the more protect waters apply we are leaving it to the contractor to choose the type of equipment for use in the operating environment.
197	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	A further newly added part of the standards, in WAC-173-182-405 (Grays Harbor), requires "… 3,000 feet of calm water – Current capable appropriate for …" We are not clear what is meant by calm water current capable boom and it would be helpful if the Department could provide clarification.	The requirement to have 3,000 feet of calm water capable boom is in the existing standard for Grays Harbor. It is based on the operating environment in Grays Harbor. In order to determine what boom is appropriate for an operating environment we apply America's Standard Testing and Measures (ASTM) F1523, Standard Guide for the Selection of Booms in Accordance with Water Body Classifications.

WAC 173-182-415 Cathlamet staging area			
198	Frank Holmes on behalf of Western States Petroleum Association	Typo at end of description: "hour planning standard" left off after the "two and three"	This was an oversight; this has been updated in the final rule language.
199	Geir-Eilif KalhagenChief Executive Officer, Port of Longview	...the proposed enhancement to the Cathlamet Planning Standard requires the addition of a 4-hour response window and use of Current Buster technology. This equipment is untested, especially in a riverine environment and poses a significant investment. Therefore, if use of this technology is mandated, the requirement should be limited to use in Puget Sound.	The current buster 2 is specifically designed for the river operating environment. The current buster 4 is designed for a more open water operating environment. As described in the planning standard the Cathlamet staging area is intended as a staging area for the identification and staging of both open water response equipment for use outside the mouth of the Columbia River and to support responses within the more protected river environment. Through this requirement we are driving an investment in this new best achievable technology resource. Since we are not requiring the resource to be resident the plan holder, in this case MFSA, may choose to stage the resource in Astoria or Cathlamet. Additionally, they may choose to invest in the open water capable current buster 4 which would be effective at the mouth of the Columbia River or the Current Buster 2 which would be effective on the narrower stretches of the Columbia River. Finally, the rule allows an alternative to the buster equipment to meet the 4 hour standard. MFSA may choose to meet the 4 hour requirement through an alternative using alternative equipment.

200	Liz Wainwright, Maritime Fire and Safety Association	Either eliminate this provision or amend the 4 hour planning standard as follows: Time- change 4 hours to 12 hours. Boom/Assessment- Amend to read "At least an additional 200 feet of boom and temporary storage of at least 196 bbls with the ability to <u>contain spilled oil</u> ~~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. MFSA objects to the requirement for for Hour Planning Standard on the Cathlamet reach of the Columbia River and asks that proposed rule at WAC 173-182-415 be modified or eliminate the Cathlamet region requirement entirely.	The point of adding the four hour standard is increase on-water recovery capability. With this equipment we anticipate greater on water recovery, fewer shoreline impacts and decreased environmental impacts. Since this equipment has a faster encounter rate it is capable of recovering more oil over a shorter timeframe. MFSA is technically only responsible for the Cathlamet planning standard. The cost of this technology including delivery for the single unit ranges based on the unit acquired between 260,000 to 350,000 dollars. The larger dollar quote in the CBA assumes the cost of purchasing 5 units.
201	Liz Wainwright, Maritime Fire and Safety Association	The CBA ignores the deployment equipment costs of the Current Buster systems. The Current Buster systems are designed for open ocean. These technologies have not been evaluated by Ecology in the context of a shallow water river environment. The MFSA response system has boom deployment vessels capable of operating in shallow water and near shore areas along the Columbia River, particularly in the Cathlamet reach. Because MFSA has developed a response system for a river environment, its existing fast response deployment vessels available on the Cathlamet section on a four-hour planning standard are not suitable for deployment on the Current Buster system. MFSA would have to acquire a deployment vessel and two towing vessels capable of handling a recovery system which is designed for deep water and open ocean currents.	See line 199 and 200.

202	Dick Lauer, Sause Bros.	1. This is an example of a planning standard being imposed where the equipment is marginally, if at all suitable for the environment. 2. The specific requirement for "196 barrels" and advancing speed requirement for "2 knots in waves" dictates an Ocean Buster 4 which the manufacturer states is developed for ocean currents. 3. In addition, the USCG testing of the unit states that the Ocean Buster 4 performed in waves of 6" to 12". a. Wave is not defined. b. The Ocean Buster 4 is a larger unit and requires larger vessels to tow. The draft of the towing vessels may limit operation outside of the channel on the Columbia River. c. There are existing methods utilizing more efficient skimmers and different types of boom that will achieve better results in the Columbia River operating environment. d. Because the standard is so specific, the capital cost of this type of equipment is estimated to be in excess of $275,000 per unit, draining capital that could be spent on more appropriate equipment for the area of operations.	See line 199 and 200.
203	Bryan S. Graham, Regional Environmental Manager Schnitzer Steel	Adding an expensive "current buster" boom system as part of the 4-Hour Planning Standard to the oil spill capability within the river systems will have small to no benefit, yet at significant cost.	See line 199 and 200.
204	Jim Townley, Executive Director, Columbia River Steamship Operators Association	Proposed WAC 173-182-415 requires additional boom capable of encountering oil at advancing speeds of at least 2 knots in waves, regularly known as current busters, be available at the Cathlamet staging area. The current buster provides value for oil spill response in high waves. However, it is an untested technology on	See line 199 and 200.

		river systems. CRSOA is concerned that operators on the Columbia River system will bear the significant expense for this technology that is unnecessary. We already have in place an impressive array of booming and collection capabilities that have been procured, tested, and proven in exercises and real world events over many decades. These capabilities are the result of many decades of experience and benefit from lessons learned and avoid another very detrimental situation created by the requirement to procure a current buster. The substantial cost of a current buster means that it will likely only be purchased by a single response association and thereby create a monopoly for compliant response planning.CRSOA requests that Ecology delete this requirement from the Cathlamet Staging area requirements.	
205	Bill Wyatt, Port of Portland	The use of this technology in a river system with a narrow navigational channel is unproven and should not be required without additional testing and an analysis of whether existing equipment/procedures will achieve the same or better results.	See line 199 and 200.
206	Johan Hellman, Washington Public Ports Association	Four Hour Response: the proposed enhancement to the Cathlamet Planning Standard requires the addition of a 4-hour response window and use of Current Buster technology. This equipment is untested especially in a riverine environment and poses a significant investment. Therefore, if use of this technology is mandated, the department should reconsider its applicability along the Columbia River.	See line 199 and 200.

WAC 173-182-370,380, 395, 405, 415 Planning standard areas with the new 4 hour requirements			
207	Joe Bowles, Marine Spill Response Corporation	Change the language in the second and third sentence of the 4 hour planning standards from "additional boom" and "this boom" to "this system".	We reviewed your comment and feel that no change is required. The boom is the weakest part of the system, since traditional boom is only capable of collecting oil at .5 knots and through this standard we are requiring boom that is capable at faster advancing speeds. We feel the standard as written describes the equipment capability we are looking for.
208	Carol Bernthal, Sanctuary Superintendent, Olympic Coast National Marine Sanctuary	In this and other planning standards, language requiring identification of vessels for deployment of 4h standards is not included. As this standard does not address a GRP tactic (and identification of equipment to deploy GRPs is required) OCNMS recommends including identification of vessels for deployment of the 4h standard as these vessels may not be the same as those for other boom types.	We removed the language requiring identification of appropriate vessels to be consistent with the other standards for boom. We verify access to appropriate vessels though the evaluation of planning standards described in WAC 173-182-350. All necessary equipment to deploy the 4 hour standard must be able to plan to be mobilized within 4 hours for deployment to meet the standard. Additionally, since this type of equipment can be deployed with one vessel and one boom vane we did not want to be overly prescriptive in the way the standard is written.

209	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Pages 34-42 WAC 173-182-370 to 415… The location-specific planning standards for the hour-by-hour arrival of boom and for storage and recovery capacity appear particularly over prescriptive from our experience world-wide. It would be helpful if the Department could clarify the basis on which the requirements for the specified lengths of boom lengths in the stated hours were determined The standards state that lengths of boom and other resources "could" have arrived within the stated hours. We are not clear as to the decision process required to deploy or not deploy the required resources in the required time frame. It would be helpful if the Department could clarify the meaning of this term. and it would be helpful if the Department could provide clarification	The state of Washington uses planning standards not response standards to verify plan holders have access to equipment for their worst case discharge volume. The hourly equipment requirements show how equipment may be cascaded in using the mobilization and distance calculation described in the rule at WAC 173-182-350. Since we use planning standards not response standards any decision to deploy or not deploy resources during an actual spill is the responsibility of the Unified Command.
210	Roger Mowery, Executive Director, Washington State Maritime Cooperative	The proposed requirement in effect requires as many as 4 separate Current Buster boom systems, positioned around the region, to be listed in the WSMC plan. A much more practical approach would be to have a single system, centrally staged in Puget Sound. Such a system would be rigged and ready for transport where needed anywhere in the WSMC coverage area.This system would meet a planning standard of 12 hours, recognizing it would arrive in many areas well before 12 hours. The cost of each system, including the necessary transport and deployment support, would be on the order of $650,000 each. Therefore, this single requirement could equate to a total expenditure of $2,600,000….Therefore a single, mobile Current Buster system is recommended as the requirement for the rule in regards to this technology.	The cost of this technology including delivery for the single unit is 350,000 dollars. The larger dollar quote in the CBA assumes that 5 units were purchased by the same plan holder. Based on our review of the vessel capabilities for deployment of the systems we believe the current buster systems can be deployed using plan holders existing vessels.

211	Jerry Joyce, Advisor on Marine Issues on behalf of Seattle Audubon Society	This standard is a vital part of implementing the intention of HB 1186. However, a minor change in these sections (WAC 173-182-370, 380, 395, 405, and 415) from the Rule Advisory Committee final draft and this draft is the elimination of the requirement to identify vessels to be used in the deployment of the required advanced feature boom. While it seems that it is implied that there should be vessels available for this task, previous experience has shown that this is not always the case..... Additionally, this specialized boom cannot be deployed using some of the smaller vessels used in deploying lighter boom, such as harbor boom. Therefore, we recommend that these sections on the 4-hour rule include the explicit requirement to identify the associated vessels to deploy the boom.	See line 208
212	Lovel Pratt,Richard Peterson, Howard Rosenfeld, Richard Fralick, Patty Miller, Jamie Stephens, County Council San Juan County	We support additional requirements in the four hour planning standard that adequately addresses storage issues and ensures continuous response capacity	The four hour standard is unique in that it is boom with the capability of collecting, separating, and temporarily storing the recovered oil. The additional storage to offload the oil recovered in the equipment required at 4 hours comes with the 6 hour standard. We feel this is a big enhancement of our early hour response capability. Additionally please keep in mind that, the four and six hour equipment requirements are only planning standards our full expectation is that when a spill occurs any and all necessary equipment will be deployed as soon as possible.

213	Stephanie Barton, Director, NRC Environmental Services Inc.	This proposed requirement is widely acknowledged as an effort to require plan holders to have dedicated access to a specific brand of skimming equipment (Current Busters) is a wholly inappropriate use of regulatory power. The efficacy of the Current Buster type of system should be documented before requiring in regulations that this system be deployed in such widely varied environments… In addition, the requirement that the system "could have arrived" at Hour 4 indicates that one system could meet the requirement if centrally located and packaged for rapid mobilization. However, arrival of a recovery system within 4-hours is meaningless without having the vessels capable of towing it available at the same time and the availability of such vessels is limited in all the required locations and will likely not be available within 4 hours. Finally, there is no historical justification for increasing the recovery requirements in these areas to a 4-hour standard. The current 2 and 6 Hour standards, including resident equipment requirements, already provide response capabilities that far exceed the USCG standards and a lack of adequate recovery resources has not been an issue in actual spill responses. Therefore, NRC proposes that the proposed 4-hour requirement for Current Busters be deleted from the area-specific planning standards and the following language be replaced with a requirement for an appropriate type system to be available, for the operating environment, within 12-hours such that VOOs capable of towing a Current Buster (or similar system) could be reasonably accessed. This change would in effect reduce the cost impact to acquiring this response capability only as justified while having no	See line 208, 210

		impact on the realistic deployment time in any of the specified locations. Delete the following Hour 4 proposed requirement from the above referenced planning areas… *Add the following to Hour 12 "Minimum Oil Recovery Rate % of WCS volume per 24 hours" for above referenced planning areas:* 200 feet of boom with the ability to collect, contain, and separate collected oil from water could have arrived if appropriate to the operating environment	
WAC 173-182-450 Planning standards for the Washington coast			
214	Howard V. Doherty, Jim McEntire, Michael C. Chapman, Board of Clallam County Commissioners	Provide Capacity for full response in remote areas such as Neah Bay and the outer coast.	Our rule has planning standards for Neah Bay and the outer coast which address staging equipment for responses in these areas. Additional detail about any response gaps will be identified through review of the technical manual.
215	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Page 43 WAC 173-182-450 (Washington coast) requires equipment specific to "Washington's coast". It would be helpful if the Department could clarify exactly the area of sea in which the specified resources are expected to operate. The requirement specifies that equipment should arrive within specific time frames but does not specify exactly where the equipment should be deployed and therefore the distances over which the equipment should be transported. It would be helpful if the Department could provide clarification.	This is an existing rule standard that was updated to ensure the issue of "spill awareness" for mobilizing resources versus "spill notification" for mobilizing resources was used consistently throughout the updated rule language. The waters of the state extend 3 nautical miles from the shoreline.

WAC 173-182-522 Covered vessel planning standards for shoreline cleanup.			
216	Joe Bowles, Marine Spill Response Corporation	Subpart (a) requires workers to have appropriate safety and hazwhopper training. The last sentence of this subpart, however, states a different standard for safety training ("the training should ensure cleanup workers can safely perform cleanup actions...") that is impossible to meet as no amount of training can ensure safely... revise the language to say "the training should enable cleanup workers to perform cleanup actions under the direction of supervisors and the work assignments as developed by the Unified Command.	The language was changed from "ensure" to "enable" workers. We recognize that no amount of training can ensure operations are conducted safely.
217	Joe Bowles, Marine Spill Response Corporation	Subpart (d) the reference to trailer should be changed to mobile cache.	Your requested change has been made.
218	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Page 44 WAC 173-182-522 (Shoreline clean-up) Parts (1)(a) and (b) requires plan holders to have access to 100 trained shoreline clean-up workers and 10 supervisors. Given the natural turnover of personnel, we are not clear to what extent this requirement must be monitored. WAC 173-182-140 (Plan maintenance) requires the plan holder to review the plan annually. Should the plan holder ensure the 100 workers remain available only at this annual review or more or less often? It would be helpful if the Department could provide clarification.	Plan holders must identify where the shoreline cleanup workers will come from. We intend to verify this and other personnel availability through tabletop drills.
219	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Part (1)(c) requires the plan holder to have access to "adequate equipment for passive recovery for three miles of shoreline on three tide lines.". We are not clear as to what is meant by the term "tide lines" and it would be helpful if the Department could provide clarification. WAC 173-182-030 (Definitions) states that passive recovery means the use of sorbent material. We are therefore unclear why the plan holder is also	We feel the use of passive recovery on shorelines is appropriate in our environment. On some beaches you will find a low, middle, and high tide line where wrack is deposited on the beach. Passive recovery equipment would be deployed in accordance with these tide lines. Each shoreline is unique, tools such as NOAA's shoreline counter measures guide and

		required to specify the equipment required as this is specified in the requirements. Furthermore, we note that WAC 173-182-621 (Five year review cycle) states that the Department will consider technology that reduces waste. We suggest that the deployment of the considerable lengths of sorbent material specified is counter to this, as our experience the deployment of sorbent material along a shoreline is rarely, if at all, successful in preventing shoreline contamination.	the Northwest Area Contingency plan, will be used to support a plan holders identification of other appropriate equipment for shoreline clean up.
220	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Page 44 WAC 173-182-522 (Shoreline clean-up) Part (2) requires the plan holder to describe the process for data collection, transmission and management. We are not clear what data is required for this process and it would be helpful if the Department could provide clarification.	Plan holders will tell us specifically how they intend to transmit data from the field to the command post. We are not prescribing any particular methodology.
221	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Page 44 WAC 173-182-522 (Shoreline clean-up) Part (3) requires the plan holder to describe the process for obtaining resources for an additional 14 days of shoreline clean-up, over and above the requirement for the initial five days. Given the individual nature of each oil pollution incident, we are not clear exactly what equipment might be expected up to two and half weeks after a spill of oil and it would be helpful if the Department could provide clarification.	We are looking for plan holders to include logistical sources of information for additional resources that may be useful given the shoreline types in Washington. This is not intended to source every piece of equipment that may be needed.
222	Chad Bowechop, Manager Makah Office of Marine Affairs	Provide mobilization timeframe requirement for 100 trained shoreline cleanup workers.	We are not dictating the mobilization time. We are only setting a timeframe for the resources to plan to be in state.

223	Chad Bowechop, Manager Makah Office of Marine Affairs	Clarify the 3-mile passive recovery requirement and make it apply to high volume facilities as well as vessels.	The authorizing statute directed Ecology to update covered vessel requirements. We will extend the new shoreline cleanup requirements to facilities and pipelines in a future rulemaking. There is an existing shoreline clean up planning standard that now applies to facilities only.
224	Kenneth A. Dahlstedt, Chairman Skagit County Commissioners, Sharon D. Dillon, Commissioner Skagit County, Ron Wesen, Commissioner	Proposed WAC 173-182-522 sets forth important new planning standards for shoreline cleanup, but are applicable only to covered vessels. These standards should be applicable to all facilities and pipelines. In Skagit County, the two refineries and the pipelines transporting oil to the refineries are located on or near shorelines. If a spill occurred from a pipeline or refinery rather than from a covered vessel, the same shoreline cleanup plan standards should apply.	See line 223
225	Carol Bernthal, Sanctuary Superintendent, Olympic Coast National Marine Sanctuary	in 522(1)(c), not sure what three miles of shoreline on three tide lines means. I would guess this means 3 tidal cycles not 3 wrack lines on the beach.	See line 219
226	Chad Bowechop, Manager Makah Office of Marine Affairs	Also large oil handling facilities should be required to stockpile shoreline cleanup equipment as is required for vessels in this rule and to have the same aerial surveillance capabilities as we learned from the Point Wells spill.	See line 223

WAC 173-182-621 Oil spill contingency plan best achievable protection five-year review cycle.			
227	Joe Bowles, Marine Spill Response Corporation	Consistent with the RCW definition of best achievable protection (BAP), the 5 year review of BAP should take into account the cost of such measures. And in subpart (4)(d), there is a statement that Ecology can "require studies;" what kind of studies can be required, and who can be made to pay for them?	Based on your comment we removed the language "require studies"
228	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	Page 46 WAC 173-182-621 (Five year review cycle) Part (4)(c) states that the Department will sponsor a technology conference during the five year cycle with groups with interests and expertise in relevant technologies. We are interested in an involvement in such a conference and ask to be placed on a mailing list for this event. We are keen also to be kept informed of the work done by the Department to evaluate BAP.	Thank you for your interest. We have added you to the spills program list serve. This is the email list we will use to keep interested parties informed of our work under the 5 year Best Achievable Protection Review Cycle.
229	Chad Bowechop, Manager Makah Office of Marine Affairs	The legislatures' passage of ESHB 1186 was in part motivated by the "Lessons Learned" from the response to the Deepwater Horizon spill and called for setting a standard of Best Achievable Protection. We firmly believe that this term needs to reflect the varying operating environments found throughout the State, including seasonal weather patterns. Taken in that light the proposed rule should address how adverse weather (e.g. wind, sea state) would impact mobilization and deployment of response equipment. Offered as a comparison the State of Alaska regulations require that plan holders describe "procedures for the transport of equipment, personnel, and other resources to the spill site, including plans for alternative methods in adverse	The term best achievable protection fundamentally supports this idea because the components evaluated under Best Achievable protection include; training, operational methods, and technologies. Each of these elements is different for differing equipment and operating environments. The current definition will inform what we evaluate and it does not limit the evaluation of equipment under worst case scenarios.

		weather conditions." Alaska regulations also require that the C-plan "state what conditions were assumed and must take into account the realistic maximum response operating limitations and their effects on response capability and the deployment of resources."	
230	Chad Bowechop, Manager Makah Office of Marine Affairs	Expand the definition of BAT at 172-182-030.4 to specify that Ecology will issue written findings on BAT determination (see Alaska BAT rule below).	We plan on exercising the best achievable protection (BAP) 5 year cycle before further defining or declaring the ways in which we are defining best achievable technology (BAT). The 5 year cycle defines BAT and this may be in the form of written finding or it may be declared through the rulemaking.
231	Chad Bowechop, Manager Makah Office of Marine Affairs	Include operating environment as an analytic parameter for BAT analyses, and specify appropriate operating environments when making BAT determinations.	By default when you identify something as best achievable technology the operating environment for which the technology is to be used is considered. For example in the 4 hour planning standard we are calling out equipment that is the best achievable technology and we are requiring that it is appropriate for the operating environment.
WAC 173-182-640 Process for plan approval			
232	Barbara L. Brown	Please place all documents regarding this issue be available for public comment on your website.	See line 233
233	Jerry Joyce, Advisor on Marine Issues on behalf of Seattle Audubon Society	Public review of contingency plans and associated documents is vital to ensure that the best achievable protection is provided by the use of the best available technology. This section (WAC 173-182-640 Process for public notice and opportunity for public review and comment period) was modified after the Rules	Under the new section WAC 173-182-640 plans will be posted electronically for public review and comment. Additionally this section describes how substantive changes to plans will be posted for public review. We are not requiring the submission of electronic copies of

		Advisory Committee met and currently does not recognize the difficulty of accessing these documents to evaluate and comment on them. Additionally, the draft does not recognize the extreme difficulties for members of the public who are in the more distant parts of the state to have full access to the documents. Therefore, to ensure full and complete public access, we recommend that the rule state specifically that if a plan (and supporting documents) is submitted only as a paper copy, the plan **will** be scanned into an easily read electronic document. Additionally, **all** submitted plans must be available via a secure web portal.	the plans in this rulemaking. If a plan is submitted electronically Ecology will scan the plan and post it to a secure web portal for review during the public review and comment period. If interested groups do not want to view the plans through the portal they can arrange a time to visit Ecology offices to review the plans. We removed the language that described this process because we did not want to limit the processes we may use in the future.
234	Carol Bernthal, Sanctuary Superintendent, Olympic Coast National Marine Sanctuary	Language in this section does not clearly support public review of submitted contingency plans as paper copies "may" be scanned to provide secure web portal access to digital documents. Requiring interested public, local and tribal governments to visit Ecology offices to view documents is impractical. OCNMS recommends this language be modified to ensure availability of contingency plans, including those submitted digitally and on paper, via a secure online web portal.	See line 233
235	Fred Felleman, NW Consultant; Marcie Keever, Oceans & Vessels Project Director Friends of the Earth	Before addressing how well specific aspects of the rule meet the legislatures' call for Best Achievable Protection (BAP) for spill response, the public needs to be assured that it will be notified of any future updates or changes to contingency plans electronically. The current language does not require that contingency plans be submitted electronically. The public should no longer be required to make office visits to Ecology to see these documents regardless of how they are submitted to the agency.	See line 233

236	Lovel Pratt, Richard Peterson, Howard Rosenfeld, Richard Fralick, Patty Miller, Jamie Stephens, County Council San Juan County	Require that all contingency plans, technical manuals and planning standards be publically available on Ecology's website.	See line 233
237	Lovel Pratt, Richard Peterson, Howard Rosenfeld, Richard Fralick, Patty Miller, Jamie Stephens, County Council San Juan County	Require that public notification, review, and comment periods be provided for all proposed changes to contingency plans, technical manuals, and planning standards	See line 233
238	Stephanie Buffum, FRIENDS of the San JuansDonna Gerardi Riordan, Orcas NO COALitionBecky Hellman, Lopez NO COALitionMatt Krogh, North Sound Baykeeper, RE Sources for Sustainable CommunitiesTerry J. Wechsler, Protect WhatcomFred Felleman, Wave Consult	Require that all contingency plans, technical manuals, and planning standards be publically available on Ecology’s website; Require that public review and comment be provided on all proposed changes to contingency plans, technical manuals, and planning standards; and	See line 233
239	Geoffrey Prentiss, Hellen Machin-Smith, Jai Boreen	Require that all contingency plans, technical manuals, and planning standards be publicly available on Ecology's website;	See line 233

		Require that public review and comment be provided on all proposed changes to contingency plans, technical manuals, and planning standards;	
240	Helen Price Johnson, Island County CommissionerAndPhil Johnson, Jefferson County Commissioner, Washington State Association of Counties	It is imperative that all contingency plans, technical manuals, and planning standards be publically available onEcology's website. Further, the Oil Spill Contingency Plan must require that public notification, review, and commentbe provided for on all proposed changes to contingency plans, technical manuals, and planning standards.	See response line 233
241	Rebecca Craven Program Director, Pipeline Safety Trust	The Trust has worked for many years to improve the transparency of state and federal regulation of pipeline safety. While we are pleased that draft spill response plans are available for public comment, the public would be better served if all plans, proposed amendments, planning manuals, and planning standards were publicly available on the Ecology website, allowing easy access and review	See response line 233
242	Chad Bowechop, Manager Makah Office of Marine Affairs	The MTC also supports being notified and be offered opportunities to comment on any future updates or changes to contingency plans, technical manuals or planning standards electronically. The current language at 120, 173, 182, does not require that plans be submitted electronically. However, due to our relative geographic isolation and the need for open and frequent communications, we view making office visits to Ecology to review the documents as problematic. We absolutely appreciate the effort you made to make the WSMC plan available on line and extending the comment period. We also request that future changes be reflected in red line to facilitate review of proposed changes.	Plan holders must submit an update log whenever they submit a change in their plan. If the change is not made using redline the log will always clearly identify the pages and changes. This log should be used to facilitate your public review and comment.

WAC 173-182-700 Drill participation scheduling and evaluation & WAC 173-182-710 Type and frequency of drills			
243	Joe Bowles, Marine Spill Response Corporation	The new language requires PRCs to participate in drills… it is unclear what drill responsibilities	This is not new language. If a plan holder wants credit for a drill demonstrated by the PRC then both the plan holder and the PRC need to follow the scheduling and planning guidelines.
244	Carol Bernthal, Sanctuary Superintendent, Olympic Coast National Marine Sanctuary	OCNMS recognizes the importance of drills to improve preparedness of primary response contractors and to support Ecology's ability to assess preparedness and compliance with contingency plans. OCNMS hopes Ecology will be able to support a robust drill program, that identified deficiencies are corrected, and drill evaluation reports are made available to the public, local and tribal governments for their review. OCNMS supports addition of emergency response towing vessel, wildlife response, and tank vessel multiple plan holder deployment drills to the triennial cycle.	The rule supports a robust drill program and the idea that any deficiencies identified in drills will be corrected. Additionally, all drill reports are subject to public disclosure.
245	Carol Bernthal, Sanctuary Superintendent, Olympic Coast National Marine Sanctuary	In -710(6), the multiple plan holder deployment drill may include objectives outlined. Because these objectives are all important, OCNMS recommends the word "may" be replaced with "shall" and a minimum set of required objectives defined. Optional objectives (e.g., perhaps deployment of aerial assets) can be outlined following a phrase using "may". A model for this is in -710(7), where minimum emergency response towing vessel drill objectives that shall be accomplished are defined.	Ecology plans all deployment exercises with plan holders who want credit. We included these objectives as critical to ensure plan holders compliance with planning standards. Additionally, each of the objectives is on the drill matrix required by Ecology to be tested over the three year triennial cycle.

246	Carol Bernthal, Sanctuary Superintendent, Olympic Coast National Marine Sanctuary	• OCNMS recommends changing the name of the "Wildlife Deployment Drill" in the table to "Wildlife Rehabilitation Drill".	This is a drill demonstrating deployment of wildlife rehabilitation equipment not a drill of trained handler(s) ability to rehabilitate oiled birds. The drill tests the necessary space, access to clean water and logistics to support an effective deployment of the equipment.
247	Frank Holmes on behalf of Western States Petroleum Association	(1)(b) Refers to WRRL identification numbers for all response actions. This should be "resources", not actions.	Your requested change has been made.
WAC 173-182-800 PRC Application & WAC 173-182-820 Contract submittal and review of contractor applications			
248	Joe Bowles, Marine Spill Response Corporation	Subpart (1)(e) is awkwardly worded	Clarification has been made in the rule language.
249	Joe Bowles, Marine Spill Response Corporation	(1)(c) MSRC does not provide land based response services and the language should reflect that not all PRC's will be accountable to this part of the requirement.	Thank you we clarified the language to ensure training is appropriate to the tactics a PRC may perform on behalf of a plan holder.
250	Joe Bowles, Marine Spill Response Corporation	… with respect to the 10%, it should be clarified that this means a 10% reduction below planning standard levels: if a PRC has equipment in excess of planning standard levels, it should not have to report a small reduction if it relates solely to excess capacity. Additional comments regarding this section: (i) subpart (2)(a), as currently worded, would require notifications be made to Ecology and all plan holders for every change, as a PRC has no way of knowing what other resources each plan holder may be relying on to meet the myriad of planning requirements, (ii) subpart (2)(c) should have an exception for movement due to training or drills, (iii) subpart (2)(d) should refer to "permanent loss of" to be consistent with 173-182-142	Changes were made to the language to clarify our intent based on your comments.

251	Carol Bernthal, Sanctuary Superintendent, Olympic Coast National Marine Sanctuary	OCNMS supports the new language which provides clarity to chnges considered significant that must be reported to Ecology.	Thank you.
Comments received on the Cost Benefit Analysis (CBA) and Small Business Economic Impact Statement (SBEIS) developed for the rule			
252	Liz Wainwright, Maritime Fire and Safety Association	The addition of a four hour response Current Buster system for the Cathlamet region is an expense which will fall squarely on MFSA. This requirement is imposed based on a Puget Sound model. Ecology has again failed to adequately recognize the distinct operating environment for the Cathlamet region of the Columbia River. Ecology's CBA cost estimate again grossly underestimates the impact of this particular rule on the Columbia River. There is not sharing opportunity for a Puget Sound based asset. This cost will be borne by MFSA and passed on to covered vessels. A current buster system in Puget Sound cannot respond on the Lower Columbia River within four hours. This fact alone means that Ecology's minimum cost assumption under this section at 350,000 dollars is wrong. At a minimum it will be 700,000 for all affected plan holders.	We disagree. The current buster system acquired to meet the Cathlamet planning standard could be staged in Astoria and shared with Grays Harbor. Alternately, if MFSA chooses to purchase the equipment either the current buster 2 or the current buster 4 could be used to meet the requirements, based on the operating environments the buster could support on the river. MFSA can also request an alternative to the 4 hour planning standard. Ecology performed a sensitivity analysis modeling the scenario in which assets are not shared. Please see the Final Cost-Benefit Analysis for this alternate cost estimation.
253	Helen Price Johnson, Island County CommissionerAndPhil Johnson, Jefferson County Commissioner, Washington State Association of Counties	The value of a southern resident orca whale can be quantified and that cost must be included in the Cost-Benefit and Least Burdensome Alternative Analysis.	Ecology extended its discussion of the value of endangered species in the Final Cost-Benefit Analysis, including reference to the quantified value of wildlife viewing that would be impacted by a spill in the San Juans (elsewhere in the document). Other elements of the value of orcas are not quantifiable, including social, tribal, and cultural values.

254	Helen Price Johnson, Island County Commissioner And Phil Johnson, Jefferson County Commissioner, Washington State Association of Counties	The Preliminary Cost-Benefit and Least Burdensome Alternative Analysis should be required to address the significant costs that can be associated with very small spills. The Deep Sea spill is a case in point. While the millions of dollars associated with the pollution response, vessel salvage, and vessel deconstruction costs would not be applicable in the Oil Spill Contingency Plan Rule, the very small amount of oil spilled caused over $1 million in losses to Penn Cove Shellfish as well as the quantifiable losses related to the closure of Grasser's Lagoon in Penn Cove which is one of the most popular beaches in Washington State for recreational shellfish harvesting.	The rule is intended to be protective in the case of a worst-case volume spill. The modeled spills used in the Cost-Benefit Analysis are based on worst-case discharge volume, and include both small and large spill severity (four degrees of severity overall). The benefits (avoided costs) reported in the Cost-Benefit Analysis are an average across that range of spill sizes/severities. For the smallest and largest spills modeled, see Appendix B of the Cost-Benefit Analysis.
255	Dr. Michael O'Brien/Tim Wadsworth, International Tanker Owners Pollution Federation	ITOPF encourages initiatives designed to improve oil spill response planning. Amongst these, we appreciate that the preparation of vessels of opportunity, the co-ordination of volunteers, holding spill drills, improved notification procedures and other measures can serve to enhance contingency plan requirements… However, we are concerned about the over-prescriptive nature of the rules proposed by the Department..... We are concerned that the regulatory cost benefit analysis… found that "the proposed rule amendments … are likely to have a disproportionate impact on small business." Further, we are surprised at the stance taken that "above disproportionate impacts" can be "mitigated – if not eliminated" if only the response contractor were to give up its response business: "Ultimately, one can argue that no PRC is required to take on any of the new costs under the proposed rule amendments, since none of them are required to be a PRC, and can instead focus on other … tasks."	Ecology was unclear in its wording in the preliminary draft version of the CBA. The intent was to convey that not all PRCs perform all of the functions regulated by the rule amendments, and are therefore are not necessarily impacted by all of them, and to the degree this correlates with business size, it reduces relative impacts. This wording has been corrected to better reflect intent.

256	Lovel Pratt, San Juan County Council	In the Preliminary Cost Benefit and Least Burdensome Alternative Analysis, Appendix B, Tables 11 and 12, the 'Lost Tourist Spending and Income' is listed as $0 and is probably a rounding error.	Zero dollar values in the appendix arise for a variety of reasons, from data availability to selection of impacted areas. Ecology has included a discussion of these reasons at the beginning of Appendix B.
257	Lovel Pratt, Richard Peterson, Howard Rosenfeld, Richard Fralick, Patty Miller, Jamie Stephens, County Council San Juan County	Must update the costs to date of the 2010 diluted bitumen spill in Michigan	Ecology has updated the value as possible, and included discussion of ongoing costs in the document.
258	Lovel Pratt, Richard Peterson, Howard Rosenfeld, Richard Fralick, Patty Miller, Jamie Stephens, San Juan County Council	Must include the significant costs that can be associated with very small spills	See line 254.
259	Lovel Pratt, Richard Peterson, Howard Rosenfeld, Richard Fralick, Patty Miller, Jamie Stephens, San Juan County Council	Must quantify the value of the southern resident killer whale.	See line 253.
260	Lovel Pratt, Richard Peterson, Howard Rosenfeld, Richard Fralick, Patty Miller, Jamie Stephens, County Council San Juan County	Must include the hourly cost savings of reducing spill cleanup costs over the duration of the spill in both Appendix B and the text	Ecology has included hourly benefits of the proposed rule in the document. Ecology has again presented both incremental benefits if all hours over the life of a spill are equally valuable, and if hours at the very beginning of addressing a spill are the most valuable.

261	Lovel Pratt, Richard Peterson, Howard Rosenfeld, Richard Fralick, Patty Miller, Jamie Stephens, County Council San Juan County	Must quantify the data provided by the San Juan County Economic Development Council and the San Juan Islands Visitors, including the press coverage San Juan County receives.	The Cost-Benefit Analysis only accounts for first-round impacts of rule changes. While many of the impacts SJC provided information on were second-round impacts, Ecology has noted in the Cost-Benefit Analysis where first-round impacts not in the quantified models might occur. Ecology could not translate these first-round impacts confidently into impacts appropriate for each type of modeled spill used.
262	Lovel Pratt, Richard Peterson, Howard Rosenfeld, Richard Fralick, Patty Miller, Jamie Stephens, County Council San Juan County	The only place in any of the Oil Spill Contingency Plan Rule update documents to mention the emerging risk fromsinking oils is in section 1.6 in the Preliminary Cost-Benefit and Least Burdensome Alternative Analysis. This sectionmust be retained and expanded. While the cost comparison of the average crude oil spill in the past decade – $2thousand per barrel or more – with the 2010 diluted bitumen spill in Michigan – $29 thousand per barrel – is significant,it is important to note that when this report is finalized, the cost of the diluted bitumen spill should be updated and“costs to date” be added to the text.	See line 257.
263	Lovel Pratt, Richard Peterson, Howard Rosenfeld, Richard Fralick, Patty Miller, Jamie Stephens, County Council San Juan County	Must address the secondary impacts from the interruption of Washington State Ferries (and presumably other passenger vessel transportation) as a result of an oil spill, including avoided losses in tourism and avoided losses in commuter travel.	See line 261

264	Roger Mowery, Executive Director, Washington State Maritime Cooperative	The cost benefit analysis prepared by Ecology contains incorrect assumptions and flawed conclusions which seriously underestimate the cost of implementing the rules as proposed, and thereby undermine the assumptions which support the proposed rules. The most significant erroneous assumption is that PRCs will coordinate and share in the cost of the implementation of these rules.... There can be no expectation of cost sharing among the PRCs in the implementation of these rules. If there is no cost sharing among the PRCs, then the cost for each of the PRCs increases dramatically and this cost is ultimately passed on to the end user, making Washington ports a much less attractive place to call for commercial vessels that have a choice on where to load or discharge cargo. Further, Ecology's cost benefit analysis allocates the rule implementation costs by those costs to be borne by plan holders and those to be borne by PRCs....The implementation costs of the proposed rules, as written, will be extremely high and will increase the costs of WSMC contracting a PRC by millions of dollars....The costs of implementing the proposed rules will be passed along to WSMC's membership.Imposing such cost increases at time when the shipping industry is already reeling under severe economic strain, with many companies experiencing operating losses, while at the same time operating in an extremely competitive environment against other west coast ports will not be without its negative consequences. It does not appear that the reduction of shipping through Washington ports, loss of jobs, and negative impact to the region's economy has been properly recognized or accounted for in the development of the proposed rules.The House Bill 1186	Ecology has included a sensitivity analysis of non-sharing scenarios for compliance costs. For a discussion of discretionary cargo impacts, and variables (including contingency planning costs) that go into decisions of port use and shipping, see the rule file for this rulemaking.

		specified the rules, "…shall minimize potential impacts to discretionary cargo moved through the state."....Unfortunately, there were no correlations or links made by Ecology between the risk of a spill from the different types of vessels from the various marine industry sectors and the need for more spill response preparedness in the formulation of the specifics of these proposed rules. Further, with no weight or consideration given for the regional marine industry's excellent record to date and the effectiveness of the prevention measures already in place, it is impossible to justify all the requirements of the proposed rules, given the very high cost with very little benefit to be gained in the way of spill preparedness.	
265	Roger Mowery, Executive Director, Washington State Maritime Cooperative	The cost benefit analysis did not, but should, specifically address the port area of Grays Harbor and the disproportionate impact of the proposed rules on Grays Harbor. This area is isolated from both the Puget Sound Region and the Columbia River and therefore will need to meet many of the planning standard requirements on its own, without benefit of any economies of scale. As a smaller and isolated port area with far fewer vessel transits than the other port areas, the high cost of the proposed rules will be even more economically burdensome and could even be impossible for the local maritime businesses to bear (as already illustrated by the existing rules that have not yet been met for storage capacity in the area). Ecology's analysis does not take into account the impact of the proposed rules on Grays Harbor or the very likely potential "cost" of putting local companies and employers out of business, if the rules are adopted as proposed. Also, it is noted that there was not a public	Ecology has included a sensitivity analysis of non-sharing scenarios for compliance costs in the final documents. Ecology has included information regarding limited regional cost-sharing in this analysis. The final rule also reduced the number of Vessels of Opportunity required for Grays Harbor.

		hearing held in the Grays Harbor area. It will be important, if not already done, to specifically provide Grays Harbor shipping businesses and port representatives an opportunity to comment.	
266	Lovel Pratt	Since the most significant benefits of oil spill response efforts are achieved in the early hours where containment is possible, it is imperative that the cost/benefit analysis in Appendix B include hourly cost savings over the duration of the spill for the 48 hours rather than simply averaging all days together and not rewarding early actions. Similarly, the cost/benefit analysis needs to account for the significant expense associated with small spills in sensitive areas and with responding to sinking oils as is documented in the Kalamazoo spill. It is also important that the age of the existing equipment be considered given the number of years it has been amortized.	Ecology has included hourly benefits of the proposed rule in the document. Ecology has again presented both incremental benefits if all hours over the life of a spill are equally valuable, and if hours at the very beginning of addressing a spill are the most valuable.
267	Fred Felleman, NW Consultant Friends of the Earth; Marcie Keever, Oceans & Vessels Project Director Friends of the Earth	Since the most significant benefits of prompt oil spill response is achieved in the early hours where containment is possible, it is imperative that the cost/benefit analysis in Appendix B include hourly cost savings over the duration of the spill for the first day or two rather than just averaging all days together and not rewarding early actions.	See line 266.
268	Ernie Quesada General Manager Clean Rivers Cooperative	Clean Rivers does not believe the Cost Benefit Analysis (CBA) for the VOO system accurately reflects the significant cost in both administrative time and training time required to meet the additional requirements in the proposed rule, nor does it identify any improved oil spill response capabilities or preparedness on the	Ecology has included a sensitivity analysis of non-sharing scenarios for compliance costs in the final documents. Ecology has included information regarding limited regional cost-sharing in this analysis.

		Columbia River as a result of this requirement.Clean Rivers operates only on the Columbia River, in the areas of operations defined in the MFSA contingency plan and in our member response plans....Ecology should recognize that the shallow water, fast response boat based system developed by Clean Rivers is the appropriate response system for the Columbia River working environment.There is no rational basis for Ecology to combine its estimate of all VOO training, vetting and contracting costs as PRC and plan holder shared costs across all planning regions. This makes no sense. Plan holders operating on Puget Sound are not going to share VOO expenses for a VOO system on the Columbia River. By lumping together its unreasonably low costs for VOO systems across the entire state, Ecology has not recognized the high cost of maintaining an unshared system on the Columbia River alone. Using Ecology's numbers, the annual cost per training VOO vessels on the Columbia River would be $44,000.... Based on that actual experience, Ecology has grossly underestimated costs relating to the VOO program.	
269	Michael Moore, Pacific Merchant Shipping Association	…. Given the requirement to fully consider impacts to discretionary cargo, it is essential to have accurate cost estimates. We urge you to validate your cost estimate assumptions with the involved stakeholders.	The administrative procedures provided for by chapter 34.05 RCW include the public comment process, which allows for validation and input from stakeholders on the analyses.
270	Stephanie Buffum, FRIENDS of the San Juans Donna Gerardi Riordan, Orcas NO COALition	We request that the final Cost Benefit and Least Burdensome Alternative Analysis include the cost associated with the 2010 Kalamazoo River spill in Michigan. Cleanup and restoration of the Kalamazoo River diluted bitumen spill is on-going.	See line 257.

	Becky Hellman, Lopez NO COALition Matt Krogh, North Sound Baykeeper, RE Sources for Sustainable Communities Terry J. Wechsler, Protect Whatcom Fred Felleman, Wave		
271	Jim Townley, Executive Director, Columbia River Steamship Operators Association	The cost-benefit analysis conducted to justify these rules fails the standard required by the Governor in implementing the legislation that led to these proposed rules…As previously mentioned, shipping on the Columbia River has declined by more than twenty-five percent and has remained at depressed levels over the last few years. Therefore, far fewer ships are paying for the original program. Now, with these new proposed rules, the response costs will be, at best, doubled or, in some reasonable instances, tripled. So the far fewer vessels that were originally accounted for will pay two or three times the cost of the original program. The cost-benefit analysis does not explain the reasonableness of that increase. What logically should be minor tweaks, adjustments, and improvements to our existing programs, based on lessons learned from Deep Water Horizon, along with associated minor increases in cost that would be applied to a spills program that already exceeds the worst-case scenario CBA on which our current approved plans are based, are not all what a reasonable person would expect. A doubling or tripling of total system cost to accommodate fine-tuned lessons learned from a non-commercial vessel incident in the Gulf of Mexico does not square with reality…	A detailed cost benefit analysis (CBA) was conducted for the proposed oil spill contingency plan rule update. The analysis concluded that some types of costs and benefits of the proposed rules are difficult to estimate quantitatively, but have been described in the analysis in a qualitative manner. Taking the total sum of both quantitative and qualitative information together, the conclusion is that total probable benefits outweigh the probable costs of implementation. A detailed least burdensome analysis (LBA) was conducted for the proposed rule update. The CBA/LBA concluded that this version of the rule was the least burdensome for those that are required to comply given the statutory directives. In addition, ased on comments on the draft CBA, Ecology has included a sensitivity analysis of non-sharing scenarios for compliance costs in the final documents. Ecology has included information regarding limited regional cost-sharing in this analysis.

			In addition, ased on comments on the draft CBA, Ecology has included a sensitivity analysis of non-sharing scenarios for compliance costs in the final documents. Ecology has included information regarding limited regional cost-sharing in this analysis.
272	Todd Coleman Executive Director, Port of Vancouver	We believe the Department's economic analysis conducted on the rules is inadequate to date and ask that you fully vet the concerns advanced by MFSA and WPPA on our behalf.	See MFSA and WPPA related responses throughout this document.
273	Dick Lauer, Sause Bros.	The above changes are most needed to maintain an effective and efficient response system over the diverse geographical area of operations and types of vessels they are meant to cover. To support this request, I will point out the Cost Benefit Analysis used by the Department Of Ecology in Appendix B. The appendix uses a Socioeconomic Daily Benefits of Reduced Clean Up Duration based on a 25,000 barrel bunker C spill for the Columbia River vs. a 250,000 barrel crude oil spill in the Straits of Juan de Fuca. The Strait of Juan de Fuca daily benefit is for a spill that is 10 times larger by volume, and approximately 160 times larger by impact than the Columbia River, but the only difference in the planning standards is a requirement for 6 more VOO's	We do not agree that the planning standards are not appropriately scaled for the Columbia River. We believe we have taken into consideration vessel traffic, products types carried and the environment of the river in our planning standard requirements. It is our position that we have properly scaled the requirements for both the Columbia River and Puget Sound. Examples of the scaling are: **New 4 hour planning standard:** 1 point of compliance on the Columbia River, 4 in Puget Sound (including Grays Harbor) **Best Achievable Technology (BAT) aerial surveillance asset:** 1 resource required for the entire state. This resource can be shared by all vessel and umbrella plan holders provided it can be on scene within 6 hours of notification. **Vessels of Opportunity (VOO) Planning Standard:** one VOO region on the lower Columbia (Requiring a total of 12 vessels), 5 regions covering Puget Sound (including the WA coast and Grays Harbor requiring a total of 60

			vessels). **Technical Manual Requirement:** 1 point of compliance on the Columbia River, 2 points of compliance in Puget Sound
274	Liz Wainwright, Maritime Fire and Safety Association	Ecology grossly underestimates in its CBA the cost of complying with WAC 173-182-349. First, Ecology assumes plan holders will share the cost of a PRC preparing technical manuals. Even if this was to occur in Puget Sound, and there is no commercial reason to expect this there, this will not occur on the Columbia River. This cost will be borne exclusively by MFSA. Ecology identifies at Section 3.2 of the CBA the various plan holders and PRCs. Ecology fails to account for the fact that only MFSA and its covered vessels operate a contingency plan on the Columbia River for the Cathlamet region... Accordingly, any costs for providing technical manuals by a PRC will be paid by MFSA.	A detailed cost benefit analysis (CBA) was conducted for the proposed oil spill contingency plan rule update. The analysis concluded that some types of costs and benefits of the proposed rules are difficult to estimate quantitatively, but have been described in the analysis in a qualitative manner. Taking the total sum of both quantitative and qualitative information together, the conclusion is that total probable benefits outweigh the probable costs of implementation. A detailed least burdensome analysis (LBA) was conducted for the proposed rule update. The CBA/LBA concluded that this version of the rule was the least burdensome for those that are required to comply given the statutory directives. In addition, ased on comments on the draft CBA, Ecology has included a sensitivity analysis of non-sharing scenarios for compliance costs in the final documents. Ecology has included information regarding limited regional cost-sharing in this analysis.

275	Liz Wainwright, Maritime Fire and Safety Association	CBA assumptions on time needed to prepare a technical manual are grossly understated. Technical manuals will have to be prepared for virtually all of the response equipment in the MFSA system… Ecology's use of a mean hourly wage rate of $22 to $40 per hour in the CBA... and all other cost sections of the CBA are fundamentally flawed. The statistic utilized is a base wage rate for an employee. It does not include the burden (taxes, benefits, overhead, and administration) that an employer will have... In its last full plan renewal leading to Department of Ecology approval of the MFSA contingency plan, MFSA contracted much of the plan writing and development work to ECM Hudson…. The actual hourly rate for ECM planning staff charged to MFSA was $125 per hour. The total cost paid out of pocket by MFSA to professional consultants for this plan renewal exceeded $150,000 not including MFSA staff time on the project, which MFSA conservatively estimates at another $125,000...	Ecology has included the upper-end contractor hourly cost of $125 in its analyses in the CBA.
276	Michael Moore, Pacific Merchant Shipping Association	… There continues to be great uncertainty as to what the spill response service provider landscape will look like following rule implementation. One possible adverse consequence is the potential relocation of some personnel and equipment out of this state due to the inability to economically provide overlapping spill response coverage. This would undermine and weaken the overall spill response capability here and we urge you to fully consider this potential when finalizing the rule.	Each enhancement to the rule is designed to support the requirements of the authorizing statute. If there is a change in the PRC provider landscape that is unintended from these new regulations we will have to deal with that as we implement the new rule.

			A detailed cost benefit analysis (CBA) was conducted for the proposed oil spill contingency plan rule update. The analysis concluded that some types of costs and benefits of the proposed rules are difficult to estimate quantitatively, but have been described in the analysis in a qualitative manner. Taking the total sum of both quantitative and qualitative information together, the conclusion is that total probable benefits outweigh the probable costs of implementation. A detailed least burdensome analysis (LBA) was conducted for the proposed rule update. The CBA/LBA concluded that this version of the rule was the least burdensome for those that are required to comply given the statutory directives. In addition, ased on comments on the draft CBA, Ecology has included a sensitivity analysis of non-sharing scenarios for compliance costs in the final documents. Ecology has included information regarding limited regional cost-sharing in this analysis..Ecology has included a sensitivity analysis of non-sharing scenarios for compliance costs in the final documents. Ecology has included information regarding limited regional cost-sharing in this analysis.
277	Bryan S. Graham, Regional Environmental Manager Schnitzer Steel	…. Believe the draft rule as currently proposed are over-reaching and unnecessarily adds to the global shipping costs without achieving any practical added environmental protectiveness. The Economic analysis provided by Ecology underestimates the added costs to the maritime industry and overstates the benefits for spill responses…. In the CBA, it is surprising and disturbing to see Ecology's lack of inclusion of the potential economic impacts to Oregon…	

278	C. Kent Roberts, Schwabe Williamson & Wyatt	First, I was disappointed to see the limitation in the Small Business Economic Impact Statement that specifically did not address the impact of these rules on non-profit agencies. The purpose of an SBEIS is to consider the special impact on small businesses. Washington statute specifically requires an umbrella plan holder to be a non-profit corporation. Both Washington State Maritime Cooperative and Maritime Fire and Safety Association are non-profits, as theyare required to be by Washington law to do what they do. While the general Cost Benefit Analysis looks at costs in a general way, neither the Cost Benefit Analysis nor the SBEISevaluates the impact of these rules on the operation, staffing, management or cost burden of these two non-profits. Accordingly, excluding this type of evaluation appears as a slight of hand when looking at the CBA and the SBEIS together.	The Regulatory Fairness Act applies to "businesses in an industry" where industry is for-profit production or sale of goods or services. As such, the SBEIS does not include impacts on non-profits or public entities at any level of government.
279	Stephanie Barton, NRC Environmental Services Inc.	WDOE's cost benefit analysis allocates the rule implementation costs between those costs to be borne by plan holders and those to be borne by PRCs. This allocation is erroneous. All private sector costs of implementation will fall to the plan holder alone…. Therefore, all of the PRC implementation costs listed in the cost benefit analysis must be considered to be plan holder costs. The practical reality of this misconception is that plan holders can bear only so much expense and without their support, the PRCs will eventually be driven out of business.	See line 264.

280	Johan Hellman, Washington Public Ports Association	Combined, these three mandates (aerial surveillance, 4-hour planning standard, and vessels of opportunity) would require an initial cost increase of more than $1.1 million. In general, every $50,000 increase in contingency plan expense translates to a $50 increase in the vessel fee paid by ships calling along the Columbia River. This is roughly equivalent to a 10 percent increase in cost. Using these numbers, we can estimate that these three provisions alone will increase vessel expenses by more than $1,100, an increase of more than 220 percent.	A detailed cost benefit analysis (CBA) was conducted for the proposed oil spill contingency plan rule update. The analysis concluded that some types of costs and benefits of the proposed rules are difficult to estimate quantitatively, but have been described in the analysis in a qualitative manner. Taking the total sum of both quantitative and qualitative information together, the conclusion is that total probable benefits outweigh the probable costs of implementation. A detailed least burdensome analysis (LBA) was conducted for the proposed rule update. The CBA/LBA concluded that this version of the rule was the least burdensome for those that are required to comply given the statutory directives. In addition, ased on comments on the draft CBA, Ecology has included a sensitivity analysis of non-sharing scenarios for compliance costs in the final documents. Ecology has included information regarding limited regional cost-sharing in this analysis..

281	Chad Bowechop, Manager Makah	Since the most significant benefits of oil spill response efforts are achieved in the early hours where containment is possible, it is imperative that the cost/benefit analysis in Appendix B include hourly cost savings over the duration of the spill for the 48 hours rather than simply averaging all days together and not rewarding early actions. Similarly, the cost/benefit analysis needs to account for the significant expense associated with small spills in sensitive areas and with responding to sinking oils as is documented in the Kalamazoo spill. It is also important that the age of the existing equipment be considered given the number of years it has been amortized.	See line 266.
General Comments /Comments provided in support of another organizations comments or prevention actions			
282	Chris Wilke, Puget Soundkeeper	… adding specific requirements for international coordination of PRCs could be difficult to include in a state WAC rule, Soundkeeper encourages including systems to encourage maximum coordination with Canadian response assets where possible.	Your request is outside the scope of this rulemaking.
282	Joanruth Baumann, Derelict Vessel Removal	Just wondering if there is room for a bit more proactively in the new rules? We are the only county with a pro-active derelict vessel program, identifying and acting on boats BEFORE they sink and put oil, gas and Styrofoam in the water. We have to find our own small funding and other counties can't afford to do it at all. But we prevent the problem before it starts with a very vigilant community effort. Could some preventative measures for smaller vessel programs be written in? And maybe with a little funding? The disaster in Penn Cove might well have been prevented this way.	Thank you for your comment. This rule regulates over 300 gross ton vessels and tank vessels of any size involved in commerce and requires the vessels to have oil spill contingency plans. Derelict vessel programs and funding are outside of the scope of this rule.

284	Ken Crawbuck	I have read the San Juan County Council Comments on the rule I support those and add… 1) This plan needs to focus on prevention, as the consequences associated with having a disaster are tremendous and grave to our county and the surrounding Puget Sound environment. One need only refer to the recent BP oil spill in the Gulf or the Exxon disaster in Alaska for clarification. In a place like San Juan Island, as a business owner, a disaster will mean the end of our economy and potentially the end of our resident Orca population. Many more than the specific tourism related jobs previously identified in San Juan County would be impacted by an environmental disaster -- the entire economy of the county depends upon tourism in some way…. 2) Relative to the increase of intensity from the proposed Coal Transfer Station in Bellingham, it became clear to me that there are additional and preventable items to include in a contingency plan. a) Where the material impact is justified, we should warrant that the kind of vehicle used be designed to meet the reliability and performance requirements of a modern 'double hulled' transport vessel. In the case of the Bellingham coal ships, they intend to use single hulled, end-of-life style vessels, which would have a higher degree of potential failures. As we know the Puget Sound does not leave vessels much room for failure. b) We should also warrant that the ships captain has been properly educated -- certified? -- on the challenges of navigating the Puget sound. One suggestion would be to bring a local, experienced captain on-board to drive the ship as it passes through the sound.	See lines 53, 57, 78, 154, 181, 212, 236, 237, 257-263 for our response to the San Juan County Council comments on the rule. Your additional comments appear to direct prevention actions which are outside the scope of this rulemaking.

285	Michael Riordan	As a resident of Orcas Island, I am becoming increasingly concerned about the tremendous increases we may be facing in oil tanker and coal carrier traffic through the waters of the San Juan Islands. There are many facets to this issue, but you are addressing one of the most important in your Oil Spill Contingency Planning rules.... 1. There should be an emergency response tug stationed at all times in the San Juan Islands, probably at Friday Harbor, in the likely event that a ship loses power or is otherwise disabled in the swift currents of Haro or Rosario Straits. Like the emergency tug stationed at Neah Bay, it should be manned and ready to respond at all hours, and the funding for that tug and its operators should be paid for by the shipping companies that use those channels — as is the case for the Neah Bay facility.	See lines 53, 57, 78, 154, 181, 212, 236, 237, 257-263 for our response to the San Juan County Council comments on the rule. Your additional comments appear to direct prevention actions which are outside the scope of this rulemaking.
286	Sharon Abreu	I am concerned about the threat of oil spills from the single-hulled tankers that would be transporting coal to Asia from the Gateway Pacific Terminal proposed for Cherry Point north of Bellingham. It is my understanding that these tankers are more likely to have accidents and oil spills than other types of tankers. I am concerned about possible (and probable) catastrophic impacts on our local ecosystems here in the San Juan Islands, which would also be catastrophic to our local economies, were there to be even one oil spill from these tankers in our narrow straits. I am also concerned about an increase in the number of tankers traveling through our straits as a result of tar sands oil, the increase in potential oil spills as a result of that, and the cost to our county and residents should an oil spill occur in our waters. I echo the Friends of the San	See lines 53, 57, 78, 154, 181, 212, 236, 237, 257-263 for our response to the San Juan County comments on the rule. Your additional comments appear to direct prevention actions which are outside the scope of this rulemaking.

		Juans' statement that the Rule must require the appropriate geographic distribution of spill response equipment and personnel.	
287	Andy Papachristopoulos	…The proposed changes for the Columbia River are prohibitively expensive, unnecessary and untested of their effectiveness. The Columbia River is not like the Puget Sound for many reasons: 1. There are no refineries and vessel that carry large quantities of crude oil. 2. The number of vessels calling the Columbia River has been declining and therefore fewer ships will carry the burden of such increases. 3. MFSA has a robust and well tested responsive Contingency Plan that enables the Columbia River to remain commercially competitive. 4. There is a very small number of tanker ships calling the Columbia River and those carry refined products.Please reconsider making any changes affecting the Columbia river. I hope the Washington Dept of Ecology will reconsider making any changes effecting the Columbia River.	See line 273.
288	Arnie Schaufler, Louis Dreyfus Commodities Northwest Facilities LLC	… The most costly aspects of the proposed amendments ignore the fact that the Columbia River varies greatly from the Puget Sound and places and undue burden on the Columbia River region. The type and volume of vessels, the type and volume of petroleum cargo transported, and the type and volume of discretionary cargo varies greatly from Puget Sound... Columbia River cargos are discretionary and highly cost sensitive... Increased costs to the vessels due to increased fees to support unnecessary requirements will drive discretionary cargo from the Columbia River…	See line 273.

289	Cale KarrickDistrict ManagerTRANSMARINE NAVIGATION CORPORATION	The proposed amendments will have a negative impact on the commercial success of our river system as well as the ongoing viability of our currently operating and successful oil spill response program (MFSA)…. We would address the following points specifically: 1) The Columbia River is inherently more expensive for ship owners and charterers to operate in than other comparable US West Coast ports. The proposed rule change will place an added financial burden on ship owners and charterers, which will necessarily result in diverted cargo and reduce the amount of vessel traffic to the ports of the Columbia River. This translates to lost jobs and wages for working families in our region of the Pacific Northwest. 2) The Columbia River provides a transportation resource as an interstate marine highway, the actions of the State of Washington will impact the states of Oregon and Idaho, as well as their residents. 3) The proposed rules do not take into account the nature of a river system such as the Columbia River. We believe they were specifically constructed to address a large open water environment, such as the Puget Sound. The cited spill examples do not factor the type of petroleum cargo traded on the Columbia River, nor does it account for the narrow and predetermined course of a river system environment. 4) The quoted technology and resource reserves required under the current rule would effectively increase cost of vessel spill program enrollment over 200%, as well as mandate untested assets and non-useful overhead to… MFSA.	See line 273.

290	Gary Martinke, Inchcape Shipping Services	I believe good planning for prevention, preparedness and response is of the up most importance. At the meeting the idea of worst case scenario was discussed – what is worst case? You always have to be ready for something, but you don't always know what for. WAC 173-182 is about may be good for the Puget Sound area where the water is salty and cargo carried perhaps needs what you are proposing, however the shoe does not fit here on the Columbia River. The Columbia River does not see a lot of oil tankers. Adding more costs to call on this river adds gives more fuel to shippers to take their business elsewhere.	See line 273.
291	Kenneth L. Davais, K Line America, Inc.	If this rule is implemented to include the Columbia River, it has the high potential to cause the Maritime Fire and Safety Association (MFSA) to revise its contingency plan to include the purchase of additional equipment, increase the amount of training and exercises annually and retain additional assets and contractors to deliver the terms of the proposed rule amendments. These proposed rules are cost prohibitive, exceed the response needs for a worst case discharge on the Columbia River and will affect both Washington and Oregon ports. Very likely these rules will more than double the costs of current oil spill contingency plans... The Columbia River systems comparatively narrow width and predictable current flows make it fundamentally different than Puget Sound. Safeguards currently in place along the Columbia River have successfully kept the frequency of spills and spill volumes consistently low. Planning standards for the Columbia River should be appropriate to the river environment and type of products transported. The lack of heavy crude oil products and	See line 273.

		refineries and the lack of crossing situations support modification to the proposed rules for the Columbia River.	
292	Kristin Meira, Pacific Northwest Waterways Association	We respectfully request that the Department of Ecology modify the proposed amendment to the Oil Spill Contingency Plan Rule to incorporate alternate planning standards for the Columbia River. The Columbia River currently utilizes a robust, well tested and environmentally responsive contingency plan that is cost effective for users. It enables our river system to continue as a competitive player in the global marketplace, while still ensuring there is a response mechanism in place to meet the unique needs of this dynamic system. In addition to a well-established plan, existing safeguards on the Columbia River such as its narrow channel width and predictable flows routinely lower risk and successfully keep spill volume and spill frequency low. In this time of economic uncertainty, we simply cannot afford to become a more expensive place to do business. The rule, as published in September, would cause a 200% increase in vessel fees. A spike in costs due to additional regulation would stifle economic growth on the river and in the state. It is our belief that the standards, while ensuring proper response to oil spills, should also support the continuation of cargo movement. We support the request of the Maritime Fire & Safety Association to suggest modifications to the proposed amendments, to better reflect the cargo, types of vessels, and existing response capabilities that are unique to the Columbia River. We need to have rules that support the environment, but also protect the livelihoods of our communities…	Plan holders can apply for alternative planning standards for any planning standard under the rule. See line 273.

293	Todd Coleman Executive Director, Port of Vancouver	Our key concerns: - Increased costs that could stifle export trade. Mandates in the current draft rules are conservatively estimated to add $1,100 to each cargo vessel in the Columbia River, a 220% cost increase. - Our cargos are discretionary and highly cost sensitive. Significant cargo diversions will be inevitable and damaging to the regional and state economy. -Hard fought economic growth and the benefits from expensive transportation infrastructure improvements will not be realized. - The Columbia River is fundamentally different than Puget Sound. Safeguards already in place along the Columbia River have kept spill volume and frequency consistently low. Puget Sound safeguards are redundant, unnecessary and inappropriate.	See line 273.
294	Johan Hellman, Washington Ports	…We respectfully submit the following: -- Governor Gregoire and the Legislature directed Ecology to minimize potential impacts to discretionary cargo moved through the state in its rulemaking concerning oil spill response equipment. -- The current draft rule would have a significant negative impact on discretionary trade calling along the Columbia River. -- Three specific response methods (vessels of opportunity, aerial surveillance and the four hour response standard) would have a devastating impact on discretionary cargo trade by making vessel fees prohibitively expensive. -- A doubling of vessel fees placed on cargo ships calling along the Columbia River could have devastating financial impacts that would reverberate through the entire region in the form of higher export	See line 273.

		costs. -- Ecology is under no statutory directive to implement comprehensive regulations guiding cargo trade along the Columbia River before the end of the year. For these reasons we ask that you reconsider the proposed oil spill planning requirements regarding vessels of opportunity, aerial surveillance and the four hour response standard as they would be applied to cargo ships calling along the Columbia River.	
295	Liz Wainwright, Maritime Fire and Safety Association	Columbia River is a significantly different risk environment than Puget Sound. Regulations should reflect the type of volume of vessels, the type and volume of petroleum cargo, the type and volume of discretionary non-petroleum cargo. The Columbia River varies greatly from the Puget Sound. From its comparatively narrow width to its predictable current flows, the risk profile of the Columbia River is fundamentally different and lower than that of Puget Sound. Ship traffic is significantly lower on the Columbia River than Puget Sound. Tank traffic makes up only 11.25% of the total ship traffic in the Lower Columbia River as opposed to the nearly 20% in Puget Sound. The worst case discharge for vessels calling on the Columbia River is approximately 300,000 bbls of refined product rather than the 830,000 bbls of crude (unrefined oil) in the Puget Sound. The risk profile of Puget Sound was the basis for HB 1186 law and the target of the proposed rules. The Cost Benefit Analysis prepared by the state of Washington supports this position: Appendix B: Inputs for Quantifiable Socioeconomic Daily Benefits of Reduced Clean-up	See line 273.

		Duration for the Columbia River is based on a 25,000 barrel Bunker C spill while a 250,000 barrel crude oil spill is cited for the Straits of Juan de Fuca.... the CBA acknowledges the Columbia River is different from Puget Sound, yet the proposed rules do not in any meaningful way.	
296	Liz Wainwright, Maritime Fire and Safety Association	New mandates are untested and expensive and erode competitiveness. The Vessels of Opportunity, Aerial Surveillance and 4- hour planning standard (Current Buster Technology) are the most costly proposed rules amendments totaling an estimated 1.1 million dollars in start up, CapEx and on-going operating costs. Yet these requirements have the least demonstrated effective impact to response on a river system environment. This equates to a doubling of MFSA's costs, a cost that will be borne by only 1,500 vessels, and a cost that is not supported by the risks present on the Columbia River.	See line 273.
297	Steve Oaks, Kalama Export Company	....We believe this proposed change is too broad. The proposal should be for Puget Sound. Not all Washington waters. We are asking that the proposal incorporate alternate planning standards into chapter 173-182 WAC for the Columbia River that are appropriate to the level of risk. This proposal would double the fees paid by vessels starting in 2013. Excessive fees can make coming to the Columbia River too expensive. With thousands of jobs in this region, relying on foreign trade. We must do everything we can to be the low cost provider.This proposed rule would be cost prohibitive and would exceed the response needed for a worst case discharge on the Columbia River. We ask that the proposal modified to incorporate something more appropriate for the Columbia River.	See line 273.

298	Kirk Bonnin Port CaptainOlympic Tug & Barge	By not listening and working with the Marine Industry, you will be doing a huge injustice to the environment and financial well-being to the maritime commerce of the Columbia Snake Willamette River System. • In 34 years of sailing the Columbia River, I have witnessed much more pollutants in the rivers from highway run off than from marine incident. • DOE was doing well when working towards prevention. As a bunker provider, I have seen the effects. Presently, their presence is almost nonexistent. Not even to witness the drills and exercises that they require. Prevention is where the money should go first. • I have a creek that runs through my property. Should this be treated like a river? Should a river be treated like an Ocean? Do not treat the Columbia River like the Puget Sound. We are not the same. • The Columbia has been referred to as the ditch. Any pollutants will travel down it with the water flow. Let's be real here, if oil travels down the ditch, which way will it go? Do you really need a helicopter to figure that out? • The Industry in the Columbia River is far more proactive to prevention than others. Please do your homework and research anything that may compare to the service provided by the Non Profit MFSA. • If there is proven technologies that actually work, we will acquire it without mandate. Some products look good on paper but do not perform well in the field. Let those who use them figure the best way to retrieve the oil. Have you ever tried spooning sugar into your coffee with a fork? Has DOE asked the Columbia River response professionals if the equipment they are proposing will work? Are they listening? or are you	See line 273.

		going to let them dictate what works from a desk that they no longer can afford to get away from. Please listen to the Industry. They truly want what is best for all. • The Columbia River is traditionally more expensive to visit than the Puget Sound. The deeper draft vessels cannot come in. Profit margins are smaller. You are making the situation worse, which will cause for more trucks on the highway, more pollutants flowing from them into the river and elevating highway maintenance costs. • Water transportation is the safest, cleanest, and most cost effective form of transporting goods to market. The Columbia River is the Inland Empire to many US States and Nations abroad. • Black oil may become the next dinosaur. The Future for low sulfur fuel has already started the marine industry to build LNG powered vessels. If you are looking to prevent future spills, have you thought about what that fuel will be?This is a big issue for the Columbia Snake Willamette River Systems, and the environment. Please stop, listen, and consider the effects and applicability of your actions.	
299	Rob Rich, Shaver Transportation Company	…As no refining, water borne transportation of unrefined products, or distribution of said products occurs on the river, these proposals should focus on any gaps, if identified, in the existing MFSA based response capability as specifically tailored to our non-open water environment….We as for alternative planning standards to be incorporated into Chapter 173-182 WAC specific to the Columbia River. This includes modifications of the Vessel of Opportunity System, Aerial Surveillance, and Current Buster Technology proposals.	See line 273.

300	Rep. Liz Pike Rep. Ed Orcutt Sen. Ann Rivers Rep. Paul Harris Sen. Don Benton Sen. Dan Swecker. Rep Jim Moeller Washington State Legislature	It has come to our attention the Department of Ecology is attempting to overreach with recent proposed rules pertaining to oil spill planning requirements regarding vessels of opportunity, aerial surveillance and the four hour response standard asthey would be applied to cargo ships calling along the Columbia River. Nothing in E2SHB 1186 requires Ecology to pass the kind of sweeping reforms called for in the current rule draft since thiscomprehensive reform is not directed in statute. Furthermore, the proposed rules will negatively impact discretionary trade along the Columbia River as the Maritime Fire & Safety Association (MFSA) and Washington Public Ports Association (WPPA) have indicated in their recent comments to Ecology. Only 12% of vessels traveling on the Lower Columbia River are tank vessels. Since 100% of the river traffic is discretionary, additional costs resulting from this over reach by Ecology will increase by more than $1.1 million, (a 220% increase), which translates into additional vessel fees. The ultimate cost to our local maritime economy will be millions of dollars in lost trade since local businesses will find it to be more costeffective to export their goods out of competing ports in Canada or other states. Washington State is already recognized as the most expensive state on the West Coast for a vessel to call....By specifically directing the agency to minimize impacts on discretionary trade, the Legislature made its intent very clear....	See line 273.

301	Helen Price Johnson, District 1, Angie Homola, District 2, Island County Board of Commissioners	Island County faces potential devastation from an oil spill. We are in proximity to the major shipping lanes of the Salish Sea, oil refineries, and of course derelict vessels. A release from any of these sources could be overwhelming to our local economy and environment. This was apparent during our incident with the sinking of the FV Deep Sea on May-June 2012. It was clearly demonstrated that even a small quantity of spilled oil can be very expensive to clean up. Here are some lessons learned from that experience: Adequate equipment is needed and trained personnel to recover various quantities of oil and to address site specific conditions (ie., from a sunken vessel). Equipment should be staged to provide timely response and protect valuable resources. Like any resource this should include not just the booming materials but recovery equipment, assessment equipment, sampling capabilities and trained operators. While Island County has an impressive cadre of volunteers, they lack the necessary training to implement any plan dealing with high volume spills. As with any plan and training program, it is necessary to exercise the capabilities. Develop a program for the use of vessels of opportunity (VOO) to help contain and recover larger spills during the early stages. We currently do not have the outreach, coordination, or training for such a program. Establish a team, plan, equipment and training to rescue and rehabilitate any wildlife affected by an oil spill.Coordinate with WA Dept. of Ecology to establish methods of evaluation and exercise of plans. Re-evaluate Coast Guard prioritizations of derelict vessel response sites to take into consideration local impacts due to geography,	Thank you for your comments. Many of the issues you describe are best addressed through the area planning process. Some of the issues are outside of the scope of this rule making. And others are addressed directly by this rule making in ways that we believe are appropriate.

		currents, as well as fin and shell fisheries. Island County is in need of resources to ensure we have the training and capacity to respond quickly and effectively to oil spills. Part of ensuring we are prepared is by understanding our surrounding waters, potential threats in these areas, and assessing potential impacts. A key issue is a lack of potential local impacts data. The Northwest Straits Foundation and the local Marine Resource Committee currently are seeking funding to address this critical data collection. The amount and type of equipment and personnel to respond to an oil spill is also inadequate. What we do have is a smart, motivated, and concerned core of first responders and community members that mitigate some of these shortfalls.	
302	Susan Bennett, Co-ChairWhidbey Audubon Conservation Committee	Almost 30 years ago, Whidbey Island was subjected to a catastrophic oil spill in Admiralty Inlet that left over a thousand gallons of oil on our beaches. This year, the burning and sinking of the derelict boat Deep Sea was handled much more efficiently, and Audubon and Beachwatcher members are still monitoring the residual effects on local beaches and sea life. Our only comment on that event is that perhaps State agencies might have acted before the vessel sank to remove the boat to a safer location. Perhaps the new rules will cover that eventuality. Jerry Joyce of Seattle Audubon has submitted suggestions for changes to the proposed rules. Whidbey Audubon supports those changes enthusiastically. We agree that Best Available Technology be used to ensure the quickest and most effective response to spills, whether on land or on water. Aerial surveillance should also apply to pipeline leaks and other land-based spills, as they affect	The Deep Sea was a unique spill because it was a derelict vessel spill. The contingency plan rule covers vessels involved in commerce, not derelict vessels, though some of the lessons learned from the Deep Sea will certainly inform our readiness in Washington. The updated contingency plan rules are focused on vessels based on the direction of the authorizing statute we may appy them facilities and pipelines in a future rulemaking. The new technical manual requirement are required to ensure we have a systems approach to our response equipment, they will be used to evaluate systems effectiveness and Best Achievable Protection and as a planning tool to support training. They are not intended to be a

		groundwater. Clear and concise manuals should be provided to all vessels spilling or responding to spills, and the manuals should be updated regularly with the latest science on booms, oil types and properties, and cleanup materials. Volunteers should be coordinated by Department staff using the same manuals. Storage systems for collection of spilled oil should also meet the requirements of Best Available Technology, so as not to exacerbate the spill.The 4 hour standard must reference the identification of vessels and crews for boom deployment because timing is critical, especially during adverse weather conditions. If responding vessels are unequal to the task, responding within four hours will be useless. Finally, to my favorite requirement: education. When the regulations are adopted to implement HB1186, the public should be informed about them in clear language, as oil spill prevention is better than oil spill cleanup.	cook book for responses each spill has its only unique response issues. The vessels required to deploy the new 4 hour standard are verified through the plan review. The standard cannot be met without appropriate and capable vessels available within 4 hours to deploy the new boom resources. Please also see responses to comments provided by Seattle Audubon lines 43, 64, 76, 110, 153, 161, 164, 211, 233, 312.
303	Roger Mowery, Executive Director, Washington State Maritime Cooperative	WSMC has serious concerns with the additional response requirements under the proposed rules because they provide marginal improvement to response capability at very high costs with little actual effectiveness. The additional measures called for in these proposed rules provide only a slight increase to the already robust response capability in the region and yet will result in disproportionate increased costs. This will result in significant increases to WSMC's costs to retain an oil spill Primary Response Contractor (PRC) and consequently tremendous increases to the WSMC annual operating budget. In order to survive, these costs will have to be passed along to WSMC's members, resulting in increased operating costs for all segments of the shipping and marine industry in Washington.	A detailed cost benefit analysis (CBA) was conducted for the proposed oil spill contingency plan rule update. The analysis concluded that some types of costs and benefits of the proposed rules are difficult to estimate quantitatively, but have been described in the analysis in a qualitative manner. Taking the total sum of both quantitative and qualitative information together, the conclusion is that total probable benefits outweigh the probable costs of implementation. A detailed least burdensome analysis (LBA) was conducted for the proposed rule update. The CBA/LBA concluded that this version of the rule was the least burdensome for those that are required to

		This will undoubtedly have negative impacts to the discretionary cargo that moves though Washington ports, with subsequent negative impacts to jobs and the region's economy. While continuous improvement is always a focus of the spill response community, the nominal added benefit of the measures called for in the proposed rules and the marginal increased environmental protection, in light of all the prevention and preparedness measures already existing in the region, do not warrant the implementation costs of the proposed rules. The proposed rules fail the cost benefit analysis.	comply given the statutory directives. In addition, ased on comments on the draft CBA, Ecology has included a sensitivity analysis of non-sharing scenarios for compliance costs in the final documents. Ecology has included information regarding limited regional cost-sharing in this analysis.
304	Howard V. Doherty, Jim McEntire, Michael C. Chapman, Board of Clallam County Commissioners	Clallam County actively prepares for oil spill response. Our Emergency Management Division participates in drills; the Clallam Marine Resources Committee conducts Hazwoper and oiled wildlife recovery trainings; and the Marine Resource Committees contributes to the statewide database of trained volunteers. Regionally, the Strait Ecosystem Recovery Network Oil Spill Recovery Task Force works to minimize the likelihood of a spill and to assure resources are available should a spill occur along the Strait of Juan de Fuca. Elements of the proposed rule changes that benefit the County are: • A specified number of Vessels of Opportunity (18) in the Straits, and minimum training standards for the crew of those vessels. • Required wildlife drills • Faster response times	Thank you for your comment.

305	Stephanie Buffum, FRIENDS of the San JuansDonna Gerardi Riordan, Orcas NO COALitionBecky Hellman, Lopez NO COALitionMatt Krogh, North Sound Baykeeper, RE Sources for Sustainable CommunitiesTerry J. Wechsler, Protect WhatcomFred Felleman, Wave ConsultingBarry Wenger, Principle of Raven's Eye Environmental ConsultingAaron Sanger, ForestEthicsPaul K. Anderson. The Chuckanut ConservancyMarcie Keever, Friends of the Earth	Communities in the Salish Sea are already impacted by the export of tar sands to all five refineries in Washington State. The refineries are fed by almost 100 tankers coming south through the Salish Sea from Canada every year, as well as by the Puget Sound Spur of the Trans-Mountain pipeline. Both tankers in the sound and the Trans-Mountain pipeline create the risk of a tar sands disaster in the Salish Sea. Based on recent experience in Kalamazoo Michigan in 2010, an event involving tar sands bitumen material could be far worse than an oil spill. The Kalamazoo River tar sands bitumen disaster turned out to be the most costly onshore pipeline break in U.S history. We need to know exactly how this type of a spill would be handled in this region.	The rule does not have response standards. Our contingency plan rules utilize planning standards. The planning standard areas prescribe equipment appropriate for the planning standards. All resources necessary for response may be called out beyond the minimal equipment identified in the plan. See line 7 and 43.
306	Howard V. Doherty, Jim McEntire, Michael C. Chapman, Board of Clallam County Commissioners	Increasing the equipment caches at Neah Bay and Quillayute Airport for salvage and marine firefighting capabilities.	This comment is outside the scope of this rulemaking.

307	Chad Bowechop, Manager Makah Office of Marine Affairs	• Ensure that regulations specifying response standards contemplate entire forces needed to accomplish on-water recovery. Ensure that all areas of regulations discussing response equipment specify that equipment is appropriate for operating environment.	The rule does not have response standards. Our contingency plan rules utilize planning standards. The planning standard areas prescribe equipment appropriate for the planning standards. All resources necessary for response may be called out beyond the minimal equipment identified in the plan. The new technical manual planning standards require plan holders to describe response systems for on-water recovery and specify the operating environment the system is optimized to.
308	Stephanie Buffum, FRIENDS of the San Juans, Marion Hanks-Bell, Helen Price Johnson, Island County Commissioner And Phil Johnson, Jefferson County Commissioner, Washington State Association of Counties	PLEASE INCORPORATE THE FOLLOWING ELEMENTS INTO THE REVISED RULE SUCH THAT AN OIL SPILL CAN BE QUICKLY CONTAINED AND CLEANED IN THE SAN JUANS: 1. Identify and designate San Juan County as a Staging Area and specify that the two, three, four, and six hour planning standards be resident; 2. Distribute equipment and personnel to the San Juans sufficient to address the risk from oil and diluted bitumen tar sands spills; 3. Require and ensure the ability to respond, contain and cleanup spills of hydrocarbons that sink. Potentially sinking hydrocarbons include Group V oils, bunker fuels, and diluted bitumen tar sands; 4. Prohibit the use of Corexit as a dispersant as has been done in the United Kingdom; 5. Specifically require that all Alberta Tar Sands/Canadian crude products including diluted bitumen and all forms of synthetic crude being transported by land-based pipelines be subject to the	See responses to San Juan County Council comments lines 53, 57, 78, 154, 181, 212, 236, 237, 257-263

		Oil Spill Contingency Plan Rule; 6. Require that all contingency plans, technical manuals, and planning standards be publically available on Ecology's website; and 7. Require that public review and comment be provided on all proposed changes to contingency plans, technical manuals, and planning standards.	
309	Janet Alderton	I support the comment letter sent by my San Juan County Councilors regarding the proposed oil spill rules and provisions for addressing spills, and I support the summary requirements listed in their comment letter….	See responses to San Juan County Council comments lines 53, 57, 78, 154, 181, 212, 236, 237, 257-263
310	Jenny Atkinson, Executive Director, The Whale Museum	… Writing to express support for the comments and suggestions outlined by the San Juan County Council and Lovel Pratt in her letter… additionally, would like to emphasize the fragility of the Southern Resident Community of endangered orcas and the horrific impact an oil spill would pose to their survival. Listed as an endangered species in 2005, the Southern Resident Community of Orcas is struggling to recover. All three pods use Haro Strait as their core summer habitat, thus making it even more critical that oil spill response to that body of water be enhanced, in light of potential increases in shipping traffic there. Every reasonable precaution should be taken to further protect them.	See lines 53, 57, 78, 154, 181, 212, 236, 237, 257-263 for responses to the San Juan County Council comments on the rulemaking. Based on the information provided in your comment. Additional detail was included in the Ecology cost benefit analysis developed for this rule making to further discuss the Southern Resident Community of Orcas value and risk from oil spills.

311	Mark Wilson, Port of Kalama	As an active member of the Washington State Public Ports Association (WPPA) and the Marine Fire & Safety Association (MFSA) the Port of Kalama has followed development of the draft rules concerning oil spill contingency planning… Our key concerns: 1. Increased costs that could stifle export trade. Mandates in the current draft rules are conservatively estimated to add $1,000 to each cargo vessel in the Columbia River, a 220% cost increase. 2. Our cargos are discretionary and highly cost sensitive. Significant cargo diversions will be inevitable and damaging to the regional and state economy. 3. Hard fought economic growth and the benefits from expensive transportation infrastructure improvements will not be realized. 4. The Columbia River is fundamentally different than Puget Sound. Safeguards already in place along the Columbia River have kept spill volume and frequency consistently low.	See responses to comments provided by the Maritime Fire and Safety Association (MFSA) 77, 100-102, 170, 200-201, 252, 274-275, 295, 296
312	Jerry Joyce, Advisor on Marine Issues on behalf of Seattle Audubon Society	HB 1186 requires that Ecology establish a volunteer coordination system. Neither the amendment of WAC 173-182 or WAC 173-183 addresses this issue. The failure of any rulemaking to address this issue is of concern. It should be noted that while other groups, such as the NWAC, have worked on this issue, there is no functioning volunteer management coordination system in place. Ecology should explore how to rectify this omission.	This is an Ecology responsibility under the law. We are addressing this issue through our plan the northwest area contingency plan.

313	Chad Bowechop, Manager Makah Office of Marine Affairs	Given that Ecology envisions fulfilling the legislature's call for volunteer coordination through the NW Area Committee, the draft rule should specify how long Ecology intends for this task to take.	We are addressing this issue through our state contingency plan the Northwest Area Contingency Plan. This issue is outside the scope of this rule making.
314	Comment provided by over 500 individuals in support of comments made by Friends of the Earth	Every day the Puget Sound experiences an immense amount of ship traffic. Now, greater vessel traffic through the sound is likely as companies seek to transport tar sands oil and coal to Asia from interior sections of North America. Nine hundred additional vessel transits in the sound are to be expected from just one proposed project -- the Gateway Pacific Terminal at Cherry Point, WA. In light of lessons learned from the devastating BP oil spill in the Gulf of Mexico and with a watchful eye to the possibility of increased shipments of dirty fuels through the water body, all efforts should be made to equip first responders with the tools they need to safely contain spills and to put proper vessel safeguards into place. I stand with Friends of the Earth in calling upon the State of Washington to update oil spills plan requirements for ships and facilities to make sure that the Puget Sound is protected when an accident occurs. In addition, I support Friends of the Earth's comments to the agency about specific improvements that are needed regarding oil spill response capability in the sound.	The contingency plan rule covers over 300 gross ton vessels, tank vessels of any size, oil handling facilities and pipelines. The rule ensures an approved or conditionally approved contingency plan is in place prior to starting operations. Plan reviews also verify personnel and resources for response. The Gateway Pacific Terminal development and potential vessel traffic is outside the scope of this rulemaking. See responses to Friends of the Earth Comments lines 52, 58, 92, 156, 235, 267.

315	John Aschoff, on behalf of the San Juan Marine Resources Committee	The San Juan County Marine Resources Committee (MRC) supports the San Juan County Council's comments and recommendations regarding the Oil Spill Contingency Plan Rule and would like to provide some background and context for the importance of oil spill prevention in the San Juans…. The San Juan archipelago is characterized by complex geography and geology, with over 400 miles of marine shorelines across hundreds of large and small islands. While predominantly rocky, the county's shorelines also support significant "soft" geomorphic shoreforms, including 90 miles of net shore drift cell systems… To protect the rich diversity, the San Juan Board of County Commissioners designated the County a Marine Stewardship Area. In 2007 the Count's Marine Stewardship Area Plan identified large oil spills as the #1 threat to the San Juan Marine ecosystem… In addition, many people who live in this island community have livelihoods directly or indirectly dependant on a healthy marine environment. We request that you please give strong consideration to the County Council's recommendations and improve much needed oil spill prevention and response capability.	Please see responses to San Juan County Council comments lines 77, 100-102, 170, 200-201, 252, 274-275, 295, 296
316	Colin Williams, International Group of P&I Clubs	The IG also has concerns with the "volunteer co-ordination system" proposal which, as has also been pointed out by the WPSA, has been drafted without reference to any specific information about existing volunteer response programs that are in place, including the current work undertaken by the Department of Ecology with stakeholders which includes examining the safety and liability for volunteers.	This is an Ecology responsibility under the law. We are addressing this issue through our state contingency plan the Northwest Area Contingency Plan. This issue is outside the scope of this rule making.

Commenter Index

The table below lists the names of organizations or individuals who submitted a comment on the rule proposal and where you can find Ecology's response to the comment(s). The commenter index is organized alphabetically by first name. Commenters can locate the response to their comments by referencing the listed number(s).

Table 1: List of Commenters and where their comments may be found.

Commenter (alphabetical by first name)	Organization	Line #
Andy Papachristopoulos		287
Angie Homola, Hellen Price Johnson	Island County Board of Commissioners	301
Arnie Schaufler	Louis Dreyfus Commodities Northwest Facilities, LLC	288
Barbara L. Brown		175, 232
Bill Anderson	Citizens for a Healthy Bay	190
Bill Wyatt	Port of Portland	71, 112, 124, 205 (See also responses to comments provided by the Maritime Fire and Safety Association (MFSA) lines 77, 100-102, 170, 200-201, 252, 274-275, 295, 296)
Bryan S. Graham	Schnitzer Steel Industries	107, 203, 277 (See also responses to comments provided by the Maritime Fire and Safety Association (MFSA) lines 77, 100-102, 170, 200-201, 252, 274-275, 295, 296)
Cale Karrick	Transmarine Navigation Corporation	289
Carol Bernthal (includes editing comments from Liam Antrim)	Olympic Coast National Marine Sanctuary	15, 19, 37, 55, 60, 88, 97-98, 113, 123, 150, 162, 163, 165, 173, 192, 194, 196, 208, 225, 234, 244-246,

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Commenter (alphabetical by first name)	**Organization**	**Line #**
		251, 281
Chad Bowechop	Makah Office of Marine Affairs	5-10, 14, 21, 29, 59, 81-86, 121, 159-160, 171-172, 188, 193, 195, 222-223, 226, 229-230, 242, 307. 313,
Charlie P. Costanzo	The American Waterways Operators	69, 70, 73, 90, 126
Chris Wilke	Puget Sound Keeper	2, 45, 74, 125, 151-152, 179, 282
Colin Williams	International Group of P& I Clubs	316
Cynthia Olsen		176 (See also responses to San Juan County Council comments lines 53, 57, 78, 154, 181, 212, 236, 237, 257-263)
David Ulrich	Navy Region Northwest	66
Diane Kaufman		189 (See also responses to San Juan County Council comments lines 53, 57, 78, 154, 181, 212, 236, 237, 257-263)
Dave Panco		18
Dick Lauer	Sause Bros. Inc.	68, 111, 202, 273
Ernie Quesada	Clean Rivers Cooperative	99, 127, 169, 268,
Frank Holmes	Western States Petroleum Association	3, 17, 24, 25, 32-36, 61-62, 65, 105, 106, 109, 191, 198, 247
Fred Felleman, Marcie Keever	Friends of the Earth	52, 58, 92, 156, 235, 267
Gary Martinke	Inchcape Shipping Services	290

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Geir-Eilif Kalhagen	Port of Longview	91, 128, 199
Geoffrey Prentiss		54, 149, 187, 239 (See also responses to San Juan County Council comments lines 53, 57, 78, 154, 181, 212, 236, 237, 257-263)
Helen Machin-Smith		54, 149, 187, 239 (See also responses to San Juan County Council comments lines 53, 57, 78, 154, 181, 212, 236, 237, 257-263)
Hellen Price Johnson, Phil Johnson	Washington State Association of Counties	185, 240, 253, 254, 308 (See also responses to San Juan County Council comments lines 53, 57, 78, 154, 181, 212, 236, 237, 257-263)
Howard V. Doherty, Jr., Jim McEntire, Michael C. Chapman	Board of Clallam County Commissioners	44, 56, 214, 304, 306
Jai Boreen		54, 149, 187, 239 (See also responses to San Juan County Council comments lines 53, 57, 78, 154, 181, 212, 236, 237, 257-263)
Jan Sundquist		177 (See also responses to San Juan County Council comments lines 53, 57, 78, 154, 181, 212, 236, 237, 257-263)
Janet Alderton		309 (See also responses to San Juan County Council comments lines 53, 57, 78, 154, 181, 212, 236, 237, 257-263)

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Jenny Atkinson	The Whale Museum	301 (See also responses to San Juan County Council comments lines 53, 57, 78, 154, 181, 212, 236, 237, 257-263)
Jerry Joyce	Seattle Audubon Society	43, 64, 76, 110, 153, 161, 164, 211, 233, 312
Jim Townley	Columbia River Steamship Operators Association	94, 129, 131, 204, 271 (See also responses to comments provided by the Maritime Fire and Safety Association (MFSA) lines 77, 100-102, 170, 200-201, 252, 274-275, 295, 296)
Joanruth Baumann		283
Joe Bowles	Marine Spill Response Corporation	1, 13, 27, 67, 89, 122, 168, 207, 216-217, 227, 243, 248-250
John Aschoff	San Juan Marine Resources Committee	315 (See also responses to San Juan County Council comments lines 53, 57, 78, 154, 181, 212, 236, 237, 257-263)
Johan Hellman	Washington Public Ports Association	72, 130, 206, 280, 294 (See also responses to comments provided by the Maritime Fire and Safety Association (MFSA) 77, 100-102, 170, 200-201, 252, 274-275, 295, 296)
Ken Crawbuck		48, 147, 284
Kenneth L. Davais	K. Line America, Inc.	291
Kenneth A. Dahlstedt, Sharon D. Dillon, Ron Wesen	Board of County Commissioners Skagit County Washington	46, 224

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Kent C. Roberts	Schwabe, Williamson & Wyatt Attorneys at Law	28, 133, 278,
Kirk Bonnin	Olympic Tug & Barge	298
Kristin Meira	Pacific Northwest Waterways Association	292
Liz Pike Ed Orcutt Ann Rivers Paul Harris Don Benton Dan Swecker Jim Moeller	Washington State Legislature	300 (See also responses to comments provided by the Maritime Fire and Safety Association MFSA 77, 100-102, 170, 200-201, 252, 274-275, 295, 296)
Liz Wainwright	Maritime Fire and Safety Association	77, 100-102, 170, 200-201, 252, 274-275, 295, 296
Lovell Pratt	San Juan County Council	47, 50, 250, 266
Lovel Pratt, Richard Peterson, Howard Rosenfeld, Richard Fralick, Patty Miller, Jamie Stephens	County Council, San Juan County	53, 57, 78, 154, 181, 212, 236, 237, 257-263
Marion Hanks-Bell		308 (See also responses to San Juan County Council comments lines 53, 57, 78, 154, 181, 212, 236, 237, 257-263)
Mark Wilson	Port of Kalama	311 (See also responses to comments provided by the Maritime Fire and Safety Association (MFSA) 77, 100-102, 170, 200-201, 252, 274-275, 295, 296)

Table 1: List of Commenters and where their comments may be found.		
Commenter (alphabetical by first name)	**Organization**	**Line #**
Michael Moore	Pacific Merchant Shipping Association	87, 269, 276 (See also responses to comments provided by the Washington Sate Maritime Cooperative (WSMC) lines 63, 80-81, 96, 108, 120, 158, 210, 264, 265, 303)
Michael Riordan		184, 285 (See also responses to San Juan County Council comments lines 53, 57, 78, 154, 181, 212, 236, 237, 257-263)
Mike Schiller	Schnitzer Steel	Responses to comments provided by the Maritime Fire and Safety Association (MFSA) lines 77, 100-102, 170, 200-201, 252, 274-275, 295, 296
Pat Colyer		178 (See also responses to San Juan County Council comments lines 53, 57, 78, 154, 181, 212, 236, 237, 257-263)
Rebecca Craven	Pipeline Safety Trust	51, 138, 141, 241
Rob Rich	Shaver Transportation Company	299
Roger Mowery	Washington State Maritime Cooperative	63, 80-81, 96, 108, 120, 158, 210, 264, 265, 303
Scott Herning		186
Sharon Abreu		286 (See also responses to San Juan County Council comments lines 53, 57, 78, 154, 181, 212, 236, 237, 257-263)
Stephanie Barton	National Response Corporation Environmental Services	16, 20, 93, 139, 140, 157, 213, 279

Table 1: List of Commenters and where their comments may be found.		
Commenter (alphabetical by first name)	**Organization**	**Line #**
Steven King	Columbia River Steamship Operators Association	Responses to comments provided by the Maritime Fire and Safety Association (MFSA) 77, 100-102, 170, 200-201, 252, 274-275, 295, 296
Stephanie Buffum	Friends of the San Juans	308 (See also responses to San Juan County Council comments lines 53, 57, 78, 154, 181, 212, 236, 237, 257-263)
Stephanie Buffum, Donna Gerardi Riordan, Becky Hellman, Matt Krogh, Terry J. Wechsler, Fred Felleman, Barry Wenger, Aaron Sanger, Paul K. Anderson Marcie Keever,	**Safe Shipping Alliance of the Salish Sea** FRIENDS of the San Juans Orcas NO COALition Lopez NO COALition North Sound Baykeeper, RE Sources for Sustainable Communities Protect Whatcom Wave Consulting Principle of Raven's Eye Environmental Consulting ForestEthics The Chuckanut Conservancy Friends of the Earth	49, 148, 180, 182, 183, 238, 270, 305
Susan Bennett	Whidbey Audubon Conservation Committee	302 (See also responses to Seattle Audubon comments lines 43, 64, 76, 110, 153, 161, 164, 211, 233, 312)
Steve Oaks	Kalama Export Company	297

Table 1: List of Commenters and where their comments may be found.		
Commenter (alphabetical by first name)	**Organization**	**Line #**
Todd Coleman	Port of Vancouver	272, 293 (See also responses to comments provided by the Maritime Fire and Safety Association MFSA 77, 100-102, 170, 200-201, 252, 274-275, 295, 296)
Tim Wadsworth, Michael O'Brien	International Tanker Owners Pollution Federation Ltd	4, 11, 12, 30, 31, 38-42, 79, 103, 104, 114,-119, 143-146, 155, 166, 167, 174, 197, 209, 215, 218-221, 228, 255,
Ty J. Gaub	U.S. Oil & Refining Co.	22, 23, 142
William H. Collins	Tidewater Barge Lines Inc.	95, 132

The following list of individuals submitted comments in support of comments made by Friends of the Earth. See Friends of the Earth comment responses lines 52, 58, 92, 156, 235, 267, and 314.
Aaron Gunderson Adam Levine Adriana Faria Ai McCarthy Aimee Cervenka AISHA FARHOUD albert bechtel Alec & Sandy McDougall swAleese Zehm Alexander Hosea Alice Zillah Allan Nicholson Allison Lovell Amanda Mikalson Amber Peralta Amy Schoppert Andrea Sandoval

The following list of individuals submitted comments in support of comments made by Friends of the Earth. See Friends of the Earth comment responses lines 52, 58, 92, 156, 235, 267, and 314.

Angela Bellacosa
Angela Smith
Ann Cordero
Ann E. Wales
Ann Marie Frodel
ANNA Hauksdottir
Anna Roberts
Anne Pope
Annette Way
Antoinette Bonsignore
April Atwood
Araceli Magallanes
Art Brown
barb lord
Barbara DelGiudice
Barbara Gross
Barbara Kendziorski
Barbara Robinson
Barbara Robinson
Barbara Voss
Barbara Wallesz
Barbara Zatrine
Bea Soss
Ben Knudsen
Benjamin Sibelman
Bert Hoff
Bette Nelson
Betty Chan
Betty Chan
Billie Watkins
Blair Hopkins
Bob Farrell
BOB ROLSKY
Bonnie Olson
Bruce Gundersen
Bryan Nelson
Buzz Marcus
C Kanemori
C W

The following list of individuals submitted comments in support of comments made by Friends of the Earth. See Friends of the Earth comment responses lines 52, 58, 92, 156, 235, 267, and 314.

Cami Cameron
Carol Crow
Carol Kibble
Carol Rolf
Carol Watts
Carole Henry, MSW
Caroline Allen
Carolyn Gregg
Carolyn Marshall
Cathleen Lindsay
Cathy Seay
Cecilia Bertrand
chad stemm
Charlene Lauzon
Charles Haskell
Charli Sorenson
Charlotte Sutherland
Cherie Warner
Chris Howie
Christina Gilman
christopher grannis
Christopher Key
Christopher Lawrence
Christopher Van Putten
Christy Cornelsen
Claudia Karll
Clayton Jones
constance rodman
Craig Garcia
craig stetina
Cynthia Jatul
Dan Astro
Dan Gerhard
Dan Hess
Dan Schneider
David Anderson
David Arntson
David Cosby
David Luxem

The following list of individuals submitted comments in support of comments made by Friends of the Earth. See Friends of the Earth comment responses lines 52, 58, 92, 156, 235, 267, and 314.

David McCabe
David Richard
david robinson
David Schatz
David Walseth
Dean Windh
debbi pratt
Debbie Bremner
debby Mumm Felnagle
Deborah Efron
Deborah Rawlings
Delia Surprenant
Dennis Marceron
Devin Kearns
Diana Somerville
Diane Shaughnessy
Diane Weinstein
Dianna MacLeod
Dolores Hutson
Domingo Hermosillo
Don Ferkingstad
Don Thomsen
Donna Greathouse Neel
Donna Hanson
Donna Kirby
Doris (Jody) Wilson
Doris Davis
Dorothy Burgess
Dorothy Carpenter
Douglas Risedorf
Douglas Yearout
Douglass Merrell
Dr Jay Sullivan
Dusty Collings
Edward Mills
Edward Vaughn
Eleanor Dowson
Eliot Kaplan
Elisabeth Perrin

The following list of individuals submitted comments in support of comments made by Friends of the Earth. See Friends of the Earth comment responses lines 52, 58, 92, 156, 235, 267, and 314.

Elizabeth Watson
Ella Melik
Ellen Dorfman
Ellen McKinley
Elyse Kleidon
Emily Lubahn
Emily Willoughby
Eric Fosburgh
Erica Meade
Erin Streitz
Fabiola Vasquez
Felicia Dale
Florence Wagner
Floyd Rollefstad
FORREST RODE
Fran Koehler
Frances Mead
Fred Karlson
Fuoad Shashani
Gabriel Newton
Gary Bennett
Gary Larson
Gary Murrow
gayle palmer
Gene Engene
gene groom
George Lawrence
Gerald Burnett
Gerry and Genny Foley
Gerry Milliken
gina hicks
Gina Pantier
Glen Duncan
Glenn and Janice Perry
Glenn Eklund
Gordon Hait
Grant Low
Greg Smith
gretchen mcllarky

The following list of individuals submitted comments in support of comments made by Friends of the Earth. See Friends of the Earth comment responses lines 52, 58, 92, 156, 235, 267, and 314.

Gwenna Carlson
Hal Enerson
Hannah Gardner
Heather Hall
Helga Riehlein
Henry & Judy Koepfle
Holly Graham
Hugh Lentz
Ian MacDuff
Ingrid Erickson
Iris Moore
Ivy Sacks
J. C. Thrush
Jack Burg
Jack Stansfield
Jacqueline Davis
Jacqueline Dern
Jacqueline Ermey
James French
James Hipp
James Ledford
James Mulcare
James Murphy
James Roberts
James Rodden
Jane Kepner
Jane metcalfe
Jane Oberlander
Janet Pocsi
janice marshall
Janine Lewis
Jared Widman
Jayson Luu
Jean Pauley
Jeanne Deller
Jeffrey Panciera
Jennifer Basaraba Sprague
Jennifer Fenswick
Jenny Gronholt

The following list of individuals submitted comments in support of comments made by Friends of the Earth. See Friends of the Earth comment responses lines 52, 58, 92, 156, 235, 267, and 314.

Jeriene Walberg
jerry miller
Jessica Vaughan
Jill Timm
Jim Unwin
Ji-Young Kim
Joan Beldin
Joanne McMillen
Joe Mabel
Joe Thompson
John Adkins
john Burns
John Dunn
john eschen
John Niendorf
John S
John Spencer
John Vinson
John Weeks
Jon Hansen
Jonathan Walter
Joseph and Diane Williams
Joshua Adams
Joy Broach
Joyce Grajczyk
Jude Waller
Judith Carter
Judith Cosby
Judith Cummings
Judith Mackenzie
Judy Dunsire
Judy Palmer
Julie Briggs
Julie Webb
Julie Whitacre
Juliette Brush-Hoover
June Dean
Justin Maddox
Justin Sweet

The following list of individuals submitted comments in support of comments made by Friends of the Earth. See Friends of the Earth comment responses lines 52, 58, 92, 156, 235, 267, and 314.

K Lyle
K. Pendergrass
Karen Collins
karen hartman
Karen Hedwig Backman
Kate Easton
Katherine Morgan
Katherine Nelson
Kathleen Beavin
Kathleen Wolfe
Kathryn Alexandra
Kathryn Ellis
Kathy Kestell
Keith Hawes
Keith Milligan
Ken Benoit
Kenneth Brinkerhoff
Kenneth Stinnett
kevin orme
kevin watkins
kim groom
Kimberlee Kerley
Kimberly Leeper
Kristin Fernald
Kyle Waller
Lael Bradshaw
Lara connor
Larry Franks
Larry L Donelan
larry mahlis
Laura Ackerman
Laura Craig
Laura Goldberg
lauren atkinson
Laurie Dils
Leah Eister-Hargrave
Leanne Gravette
Leanne Mizell
Lee Ann Greaves

The following list of individuals submitted comments in support of comments made by Friends of the Earth. See Friends of the Earth comment responses lines 52, 58, 92, 156, 235, 267, and 314.

Lee Buffington
lesah curatolo
Linda Archer
Linda Dennis
Linda Dodson
Linda Moore Kurth
Lisa Jester
Lisa Karas
Lisa Matthes
Lisa Vandermay
Liz White
Lloyd Hedger
Lois Fenstemaker
Lorraine D. Johnson
Lorraine Hartmann
Lorraine Marie
Lorree Gardener Milne
Lura Irish
Lynnette Anderson
madelaine moir
Maradel Gale
MARGARET HASHMI
Margaret Hood
Margery Barlow
Margery Barlow
Margo Margolis
marie gladwish
Marie Weis
marilyn evenson
Marilyn Hurrell
marion moat
mark russell
Mark Simpson
Mark Wirth
Marsha Shaiman
Martha alonzo
martha Norwalk
Martha Thompson
mary ann kirsling

The following list of individuals submitted comments in support of comments made by Friends of the Earth. See Friends of the Earth comment responses lines 52, 58, 92, 156, 235, 267, and 314.

Mary Bonnier
mary cottingham
mary ellen anderson
Mary Ferm
Mary Guard
Mary Keeler
Mary Masters
Mary Rausch
Mary Solum
Mary Sutherland
marya kutler
Mathew Metcalf
matt courter
Matthew Burtner
Maxine Holden
Melissa Thirloway
Micaiah Evans
Michael Barton
Michael Cowsert
Michael Foster
Michael Gamble
Michael Lab
Michael Murphy
Michael Oaks
Michael Osgood-Graver
Michael Taylor
Michael Tomazic
Michael von Sacher-Masoch
Michelle Keating
Michelle Pavcovich
Mike Conlan
Mike Cremer
MIKE LYMAN
Mike Monteleone
Mike Sherman
Mike Smith
Milton Clark
Milton Clark

The following list of individuals submitted comments in support of comments made by Friends of the Earth. See Friends of the Earth comment responses lines 52, 58, 92, 156, 235, 267, and 314.

mimi israel
mimi israel
Mo Olds
Morgan Girling
Nancy Bomgardner
Nancy Ferkingstad
Nancy Harter
Nancy Hepp
Nancy Herr
Nick Barcott
Nick Page
Nicole Green
Niki Vogt
Nita Hildenbrand
Norman Baker
Norman Crouter
Noryne Chappelle
Ovina Feldman
Pamela Engler
Pamir Karusagi
Patricia Bereczki
Patricia Mellon
Patricia Ransyrom
Patricia Rodgers
Patricia Tall-Takacs
Paul Booker
Paul Franzmann
Paula Rotondi
Paula Shafransky
Paulette Doulatshahi
Peggy Page
Penny Brooks
Penny Derleth
Penny Platt
Peter Albrecht
Peter Beckford
Peter Rimbos
peter smith
Phillip Collins

The following list of individuals submitted comments in support of comments made by Friends of the Earth. See Friends of the Earth comment responses lines 52, 58, 92, 156, 235, 267, and 314.

Phoebe Underwood
Polly Tarpley
Preston Wheaton
R Cottrell
Rachael Allert
Rachel Whalley
Rae Pearson
Raelyn Michaelson
Ramona Menish
Rhonda Paulson
Richard Hieronymus
Richard Plancich
Richard Reuther
richard wertz
Richelle Rausch
Rick Harlan
Rita Van Briesen
Robert A Ethington
Robert Ball
Robert Bamford
Robert Blumenthal
Robert Moore
Robert Mueller
Robert Simpson
Roberta Copenhefer
Robyn Cleaves
Rodolfo Franco
Roger deRoos
Ronda Snider
ronnie mitchell
Roseanna Page
Ruth Neuwald Falcon
S Simonet
S. J. Jacky
Saab Lofton
Sallie Becker
Samantha Novak
Samantha Rich
Sandra Cole

The following list of individuals submitted comments in support of comments made by Friends of the Earth. See Friends of the Earth comment responses lines 52, 58, 92, 156, 235, 267, and 314.

Sandra Diamond
Sandra Perkins
Sara King
Sarah Dean
Sarah Salter
Scott Bishop
Scott Bohart
Scott Hayes
Scott Martin
Scott Species
sharon crespi
Sharon D'Amico
Sharon Palko
Shelly Peterson
Sherril Gerell
Sherry Bupp
Shirley Allyn
Sonja Aikens
stephanie colony
Stephanie Kalgren
stephen austin
stephen philpin
Steve Hamm
Steven Fenwick
Steven Gilbert
Susan Alter
Susan Dawson
Susan Kay
Susan Sunshine
Susan Vossler
Teresa Bryan
Thelma Follett
Theo Block
theresa sullivan
Thom Peters
Thomas Marshall
Thomas Pettitt
Thomas Reidy
Thomas Swoffer

The following list of individuals submitted comments in support of comments made by Friends of the Earth. See Friends of the Earth comment responses lines 52, 58, 92, 156, 235, 267, and 314.

Tiffany Chao
Tim Allen
Tim Burns
Tim Upham
Timothy Casey
Tobi Braverman
Tracy Ouellette
Trevor Strandness
Tu-Quyen Nguyen
Valerie Anderson
Verene Martin
Virgene Link
Virginia Alexander
Virginia Davis
virginia lindsey
Virginia Linstrom
w Cisney
W.Bruce Wallace
Wade Higgins
Wally Bubelis
Wendy James
Wendy Stevens
Wendy Weger
Werner Bergman
Wesley Banks
Wesley Banks
William C. Johnson
William Harpham
William Nerin
William Sneiderwine
Willie McCoy
Wolfgang Loera
Wonono Rubio
yulia gorbanyova
zoe escobar

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Comments received after the close of the formal comment period (10/4/2012 at 5:00 PM)

David Cheney
Ed Bennett
Heather McFarland
holly homan
Joan Bykonen
joel mulder
Judith Adrian
Lauren Reetz
Lesley Ahmed
Marjorie Curci
melodie martin
Paula Trimble
Ronald Zito
William Malloy

Appendix A: Copies of all written comments

Copies of all comments received by mail, email, or in another written format are available for review in a supporting Ecology publication.

December 2012
Publication no. 12-08-020

https://fortress.wa.gov/ecy/publications/publications/1208020.pdf

Appendix B: Transcripts from public hearings.

Ecology conducted two public hearings for this rule making:

FIRST HEARING: September 25th, 2012: Marysville, WA
6:00 PM Presentation and Q&A followed by public hearing. This hearing was also available through webinar.

SECOND HEARING:
Septermber 27th, 2012: Vancouver, WA
3:00 PM Presentation and Q & A followed by formal public hearing

Copies of the complete transcripts from these hearings are available for review in a supporting Ecology publication.

December 2012
Publication no. 12-08-020

https://fortress.wa.gov/ecy/publications/publications/1208020.pdf