# Chapter 173-182 WAC
# OIL SPILL CONTINGENCY PLAN

**Last Update:** 10/12/16

**WAC**


PART I: PURPOSE, APPLICABILITY, AUTHORITY, AND DEFINITIONS

173-182-010 Purpose.
173-182-015 Applicability.
173-182-020 Authority.
173-182-030 Definitions.

PART II: COVERED VESSEL AND FACILITY OIL SPILL CONTINGENCY PLANS

Section A—General Planning, Information and Timing

173-182-110 Authority to submit contingency plan.
173-182-120 Submitting a contingency plan.
173-182-130 Phase in language for vessel and facility plan holders.
173-182-135 Phase in language for pipeline plan holders.
173-182-140 Plan maintenance.
173-182-142 Significant changes to approved plans require notification.
173-182-145 Plan implementation procedures.
173-182-150 Post-spill review and documentation procedures.

Section B—Contingency Plan Format and Content

173-182-210 Contingency plan format requirements.
173-182-220 Binding agreement.
173-182-230 Contingency plan general content.
173-182-232 Requirements for vessel umbrella plans maintaining additional agreements for supplemental resources.
173-182-240 Field document.
173-182-242 Additional requirements for vessel plan holders with access to the emergency response system at Neah Bay.
173-182-250 Initial response actions.
173-182-260 Notification and call-out procedures.
173-182-262 Vessel notification requirements for a discharge or substantial threat of a discharge.
173-182-264 Notification requirements for facility spills to ground or containment that threaten waters of the state.
173-182-270 Maintenance records for response equipment.
173-182-280 Spill management teams.

Section C—Planning Standards

173-182-310 Planning standards.
173-182-315 Facility planning standards for nondedicated work boats and operators.
173-182-317 Covered vessel planning standards for vessels of opportunity (VOO).
173-182-320 Facility planning standards for aerial surveillance.
173-182-321 Covered vessel planning standards for aerial surveillance.
173-182-323 Planning standards for pipelines carrying crude oil.
173-182-324 Planning standards for Group 5 Oils.
173-182-325 Planning standards for dispersants.
173-182-330 Planning standards for in situ burning.
173-182-335 Planning standards for storage.
173-182-345 Determining effectiveness of recovery systems.
173-182-348 Determining effective daily recovery capacity.
173-182-349 Covered vessel plan holders technical manuals.
173-182-350 Documenting compliance with the planning standards.
173-182-355 Transfer sites for covered vessels at locations where transfers occur, and for facilities with a vessel terminal.
173-182-365 Transmission pipelines that may impact shorelines of statewide significance.
173-182-366 Transmission pipeline tank farms.
173-182-370 San Juan County planning standard.
173-182-375 Padilla Bay planning standard.
173-182-380 Commencement Bay Quartermaster Harbor planning standard.
173-182-385 Nisqually planning standard.
173-182-390 Dungeness planning standard.
173-182-395 Neah Bay staging area.
173-182-400 Copalis, Flattery Rocks and Quillayute Needles planning standard.
173-182-405 Grays Harbor planning standard.
173-182-410 Willapa planning standard.
173-182-415 Cathlamet staging area.
173-182-420 Vancouver planning standard.
173-182-430 Tri-cities planning standard.
173-182-450 Planning standards for the Washington coast.

Section D—Response and Protection Strategies for Sensitive Areas

173-182-510 Requirements for response and protection strategies.
173-182-515 Geographic information planning standards for pipeline plan holders.
173-182-520 Facility planning standards for shoreline cleanup.
173-182-522 Covered vessel planning standards for shoreline cleanup.
173-182-530 Planning standards for groundwater spills.
173-182-535 Pipeline planning standards for air monitoring to protect oil spill responders and the public.

173-182-540 Planning standards for wildlife rescue and rehabilitation.

Section E—Plan Evaluation

173-182-610 Plan evaluation criteria.
173-182-620 Alternative method of evaluating planning standards.
173-182-621 Oil spill contingency plan best achievable protection five-year review cycle.
173-182-630 Process for plan approval.
173-182-640 Process for public notice and opportunity for public review and comment period.

PART III: DRILL AND EQUIPMENT VERIFICATION PROGRAM

173-182-700 Drill participation, scheduling and evaluation.
173-182-710 Type and frequency of drills.
173-182-720 Evaluation criteria.
173-182-730 Other ways to get drill credit.
173-182-740 Drill requirement waivers.

PART IV: PRIMARY RESPONSE CONTRACTOR (PRC) STANDARDS

173-182-800 Primary response contractor (PRC) application.
173-182-810 Content submittal and review of contractor applications.
173-182-820 Significant changes require notification.

PART V: RECORDKEEPING AND COMPLIANCE INFORMATION

173-182-900 Recordkeeping.
173-182-910 Noncompliance.
173-182-920 Operation without plan.
173-182-930 Severability.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

173-182-360 General planning standards for covered vessel transit locations for all of Puget Sound. [Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-360, filed 9/25/06, effective 10/26/06.] Repealed by WSR 13-01-054 (Order 11-06), filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122.

## PART I: PURPOSE, APPLICABILITY, AUTHORITY, AND DEFINITIONS

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

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

(a) Maximize the effectiveness and timeliness of oil spill response by plan holders and response contractors;

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

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

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

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

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

drill, deployment of equipment and personnel shall be guided by safety considerations. The responsible party must take all actions necessary and appropriate to immediately collect and remove, contain, treat, burn and disperse oil entering waters of the state and address the entire volume of an actual spill regardless of the planning standards.

[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-010, filed 10/12/16, effective 11/12/16. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-010, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-010, filed 9/25/06, effective 10/26/06.]

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

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

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

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

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

[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-015, filed 10/12/16, effective 11/12/16. Statutory Authority: RCW 88.46.060, 90.46.050. WSR 14-15-076 (Order 13-10), § 173-182-015, filed 7/16/14, effective 8/16/14. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-015, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-015, filed 9/25/06, effective 10/26/06.]

**WAC 173-182-020 Authority.** RCW 88.46.060, 88.46.070, 88.46.080, 88.46.090, 88.46.100, 88.46.120, 88.46.160, 90.48.080, 90.56.050, 90.56.060, 90.56.210, 90.56.240, 90.56.270, 90.56.280, 90.56.310, 90.56.320, 90.56.340, and chapter 316, Laws of 2006, provide statutory authority for the contingency plan preparation and review requirements, drill and response contractor standards established by this chapter for onshore and offshore facilities and covered vessels.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-020, filed 9/25/06, effective 10/26/06.]

**WAC 173-182-030 Definitions.** (1) "Aerial observer" means a trained observer that monitors, records and reports the spill charac-

teristics including the shoreline impacts, area oiled, color, and thickness of the oil. Observers also provide data to the command post through the development of detailed maps of the area oiled and the resources in the field as well as other photographs, videos, or documents developed to support planning.

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

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

(b) Direct dispersant resources;

(c) Direct in situ burn resources; and

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

(3) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. Ecology's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering:

(a) The additional protection provided by the measures;

(b) The technological achievability of the measures; and

(c) The cost of the measures.

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

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

(b) Processes that are currently in use; and

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

(5) "Boom" means flotation boom or other effective barrier containment material suitable for containment, protection or recovery of oil that is discharged onto the surface of the water. Boom also includes the associated support equipment necessary for rapid deployment and anchoring appropriate for the operating environment. Boom will be classified using criteria found in the ASTM International F 1523-94 (2007) and ASTM International F 625-94 (reapproved 2006), and the *Resource Typing Guidelines* found in the Western Response Resource List (WRRL) user manual.

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

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

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

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

(a) A written contract between a plan holder and a primary response contractor or other provider or proof of cooperative membership that identifies and ensures the availability of specified personnel and equipment within stipulated planning standard times; or

(b) A letter that: Identifies personnel, equipment and services capable of being provided by the primary response contractor or other provider within stipulated planning standard times; acknowledges that the primary response contractor or other provider commits the identified resources in the event of an oil spill.

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

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

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

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

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

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

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

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

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

(19) "Facility" means:

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

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

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

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

(ii) Underground storage tank regulated by ecology or a local government under chapter 90.76 RCW;

(iii) Motor vehicle motor fuel outlet;

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

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

(20) "Geographic Response Plans (GRP)" means response strategies published in the *Northwest Area Contingency Plan*.

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

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

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

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

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

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

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

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

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

(30) "Nonpersistent or group 1 oil" means:

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

(i) At least fifty percent, by volume, distills at a temperature of 340°C (645°F); and

(ii) At least ninety-five percent, by volume, distills at a temperature of 370°C (700°F).

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

(31) "Nonpetroleum oil" means oil of any kind that is not petroleum-based, including but not limited to: Biological oils such as fats and greases of animals and vegetable oils, including oils from seeds, nuts, fruits, and kernels.

(32) "*Northwest Area Contingency Plan (NWACP)*" means the regional emergency response plan developed in accordance with federal requirements. In Washington state, the NWACP serves as the statewide master oil and hazardous substance contingency plan required by RCW 90.56.060.

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

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

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

(36) "Onshore facility" means any facility, as defined in subsection (19) of this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(37) "Operating environments" means the conditions in which response equipment is designed to function. Water body classifications will be determined using criteria found in the ASTM Standard Practice for Classifying Water Bodies for Spill Control Systems ASTM International F 625-94 (reapproved 2006).

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

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

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

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

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

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

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

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

(42) "Persistent oil" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(47) "Plan holder" means a person who submits and implements a contingency plan consistent with RCW 88.46.060 and 90.56.210 on the person's own behalf or on behalf of one or more persons. Where a plan is submitted on behalf of multiple persons, those covered under that plan are not considered plan holders for purposes of this chapter.

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

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

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

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

(52) "Regional vessels of opportunity response group" means a group of nondedicated vessels participating in a vessel of opportunity response system to respond when needed and available.

(53) "Resident" means the spill response resources are staged at a location within the described planning area.

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

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

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

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

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

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

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

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

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

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

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

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

(64) "Transmission pipeline" means all parts of a pipeline whether interstate or intrastate, through which oil moves in transportation, including line pipes, valves, and other appurtenances connected to line pipe, pumping units, and fabricated assemblies associated with pumping units metering and delivery stations and fabricated assemblies therein, and breakout tanks.

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

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

(67) "Vessels of opportunity response system" means nondedicated vessels and operating personnel, including fishing and other vessels, available to assist in spill response when necessary. The vessels of opportunity 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.

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

(69) "Western Response Resource List (WRRL)" means a regional equipment list established and maintained by spill response equipment owners in the northwest area.

(70) "Worst case spill" means:

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

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

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

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

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

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

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

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

Each operator shall determine the worst case discharge and provide the methodology, including calculations, used to arrive at the volume in the contingency plan.

[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-030, filed 10/12/16, effective 11/12/16. Statutory Authority: RCW 88.46.060, 90.46.050. WSR 14-15-076 (Order 13-10), § 173-182-030, filed 7/16/14, effective 8/16/14. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-030, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW. WSR 07-22-119 (Order 07-14), § 173-182-030, filed 11/7/07, effective 12/8/07; WSR 06-20-035 (Order 00-03), § 173-182-030, filed 9/25/06, effective 10/26/06.]

## PART II: COVERED VESSEL AND FACILITY OIL SPILL CONTINGENCY PLANS

## Section A—General Planning, Information and Timing

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

(a) The owner or operator of the tank vessel; or

(b) The owner or operator of the facilities at which the tank vessel will be unloading its cargo; or

(c) A nonprofit corporation established for the purpose of oil spill response and contingency plan coverage and of which the tank vessel owner or operator is a member; or

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

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

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

(b) The agent for the vessel provided that the agent resides in this state; or

(c) A nonprofit corporation established for the purpose of oil spill response and contingency plan coverage of which the covered vessel owner or operator is a member; or

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

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

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

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

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

**WAC 173-182-120 Submitting a contingency plan.** (1) Plan holders shall submit plans to ecology no less than sixty-five days prior to their planned date for beginning of operations in Washington.

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

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

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

[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-120, filed 10/12/16, effective 11/12/16. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054

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

**WAC 173-182-130 Phase in language for vessel and facility plan holders.** (1) This section applies to those plan holders who, on the effective date of this chapter, have approved or conditionally approved plans, and response contractors with approved applications. Each update must contain all necessary content and meet the requirements of this chapter.

(2) For existing approved facility plan holders within six months after the effective date of this chapter, all facility plan holders must update their plans to comply with the following sections as applicable to the facility:

(a) Binding agreement (WAC 173-182-220).

(b) Contingency plan general content (WAC 173-182-230 (8)), claims procedures.

(c) Contingency plan general content (WAC 173-182-230 (4)(c)(i) through (v)), products handled.

(d) Facility spills to ground notifications (WAC 173-182-264).

(e) Planning standards for dispersants (WAC 173-182-325).

(f) Planning standard for Group 5 Oils (WAC 173-182-324).

(g) To the extent to which plan holders rely on PRC applications to demonstrate compliance for plan holder, PRC applications must also be updated correspondingly.

(3) For existing approved tank vessel plan holders and vessel umbrella plan holders, the following is required, as applicable to the plan holder:

(a) Within six months after the effective date of this chapter, all tank vessel plan holders and vessel umbrella plan holders must update their plans to comply with the following sections:

(i) Binding agreement (WAC 173-182-220).

(ii) Contingency plan general content (WAC 173-182-230 (3)(b)(ii)).

(iii) Contingency plan general content (WAC 173-182-230 (5)(f) and (g)).

(iv) Contingency plan general content (WAC 173-182-230 (6)(a)(i) through (vii) and (7)).

(v) Contingency plan general content (WAC 173-182-230 (8)), claims procedures.

(vi) Aerial surveillance planning standard (WAC 173-182-321(2)), Additional surveillance assets.

(vii) Planning standard for dispersants (WAC 173-182-325).

(viii) Planning standard for Group 5 Oils (WAC 173-182-324).

(ix) Requirements for vessel umbrella plan holders maintaining additional agreements for supplemental resources (WAC 173-182-232).

(x) To the extent to which plan holders rely on PRC applications to demonstrate compliance for plan holder, PRC applications must also be updated correspondingly.

(b) Within eighteen months after the effective date of this chapter, all tank vessel plan holders and vessel umbrella plan holders must update their plans to comply with the following sections:

(i) Vessels of opportunity planning standard (WAC 173-182-317), Region 1 - Cape Flattery/Strait of Juan De Fuca.

(ii) Aerial surveillance planning standard (WAC 173-182-321(1)), Helicopter/fixed wing.

(iii) Dedicated on-water storage (WAC 173-182-335), at least twenty-five percent of the total worst case discharge requirement.

(iv) San Juan County planning standard (WAC 173-182-370), four hour planning standard.

(v) Neah Bay staging area (WAC 173-182-395), four hour planning standard.

(vi) Covered vessel planning standard for shoreline cleanup (WAC 173-182-522).

(vii) To the extent to which plan holders rely on PRC applications to demonstrate compliance for plan holder, PRC applications must also be updated correspondingly.

(c) Within thirty-six months after the effective date of this chapter, all tank vessel plan holders and vessel umbrella plan holders must update their plans to comply with the following sections:

(i) Vessels of opportunity planning standard (WAC 173-182-317), Region 2 - San Juan Islands/North Puget Sound.

(ii) Vessels of opportunity planning standard (WAC 173-182-317), Region 4 - Lower Columbia River.

(iii) Provide proposal for ecology review of the aerial surveillance planning standard (WAC 173-182-321(3)), Helicopter/fixed wing with forward looking infrared. Plan holder shall have an additional twelve months to have this asset staged and all plan updates finalized as applicable.

(iv) Covered vessel plan holder's technical manual requirement (WAC 173-182-349).

(v) Commencement Bay Quartermaster Harbor planning standard (WAC 173-182-380), four hour planning standard.

(vi) Cathlamet staging area (WAC 173-182-415), four hour planning standard.

(vii) To the extent to which plan holders rely on PRC applications to demonstrate compliance for plan holder, PRC applications must also be updated correspondingly.

(d) Within forty-eight months after the effective date of this chapter, all tank vessel plan holders and vessel umbrella plan holders must update their plans to comply with the following sections:

(i) Vessels of opportunity planning standard (WAC 173-182-317), Region 6 - Grays Harbor.

(ii) Vessels of opportunity planning standard (WAC 173-182-317), Region 3 - South Puget Sound and Central Puget Sound.

(iii) Vessels of opportunity planning standard (WAC 173-182-317), Region 5 - Admiralty Inlet, Hood Canal and North Puget Sound.

(iv) Grays Harbor planning standard (WAC 173-182-450), four hour planning standard.

(v) To the extent to which plan holders rely on PRC applications to demonstrate compliance for plan holder, PRC applications must also be updated correspondingly.

(4) Within eighteen months after the effective date of this chapter, all primary response contractors must update their applications to comply with the following section: Primary response contractor application content, submittal and review (WAC 173-182-810).

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

[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-130, filed 10/12/16, effective 11/12/16. Statutory Authori-

ty: RCW 88.46.060, 90.46.050. WSR 14-15-076 (Order 13-10), § 173-182-130, filed 7/16/14, effective 8/16/14. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-130, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-130, filed 9/25/06, effective 10/26/06.]

**WAC 173-182-135 Phase in language for pipeline plan holders.** (1) This section applies to those pipeline plan holders who, on the effective date of this chapter, have approved or conditionally approved plans. Each plan update must contain all necessary content and meet the requirements of this chapter.

(2) Within twelve months after the effective date of this chapter:

(a) Update the description of the response zone and worst case discharge volume and calculations in the plan;

(b) Update the plan to demonstrate compliance with:

(i) Planning standards for storage (WAC 173-182-335);

(ii) Transmission pipelines that may impact shorelines of statewide significance (WAC 173-182-365);

(iii) Pipeline tank farms (WAC 173-182-366);

(iv) Planning standards for pipelines carrying crude oil (WAC 173-182-323);

(v) Best achievable protection review cycle (WAC 173-182-621); and

(vi) Update the plan to demonstrate compliance with the pipeline air monitoring planning standard (WAC 173-182-535).

(3) Within twenty-four months from the effective date of this chapter: Update the plan to demonstrate compliance with the geographic information planning standard (WAC 173-182-515).

(4) To the extent to which plan holders rely on PRC applications to demonstrate compliance for the plan holder, PRC applications must also be updated.

[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-135, filed 10/12/16, effective 11/12/16.]

**WAC 173-182-140 Plan maintenance.** At least once annually, plan holders shall review the entire plan for accuracy and either:

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

(2) If no plan changes are needed, send a letter to ecology confirming that the existing plan is still accurate.

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

**WAC 173-182-142 Significant changes to approved plans require notification.** (1) At any point during the five year approval period, if there is a temporary or permanent significant change in the person-

nel or response equipment described in the plan, the plan holder shall:

(a) Notify ecology in writing within twenty-four hours of the change; and

(b) Provide both a schedule for the prompt return of the plan to full operational status and a proposal for any backfill to compensate for the temporary significant change. This proposal shall be reviewed by ecology.

(2) Changes which are considered significant include:

(a) Loss of equipment that results in being out of compliance with any planning standard;

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

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

(d) Permanent loss of initial response personnel listed in command and general staff ICS positions provided in the plan;

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

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

(i) For facilities, changes in the oil types handled; permanent changes in storage capacity; changes in handling or transporting of any product; permanent changes in oil processing; and

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

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

(h) Modification or discontinuing of any mutual aid, letter of intent or contract agreement.

(3) Notification by facsimile or e-mail will be considered written notice.

(4) Failure to report changes in the plan could result in the loss of plan approval.

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

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

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

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

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

1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-145, filed 9/25/06, effective 10/26/06.]

**WAC 173-182-150 Post-spill review and documentation procedures.** Plan holders are required to conduct post-spill review procedures to review both the effectiveness of the plan and make plan improvements. Debriefs with ecology and other participating agencies and organizations may be appropriate if, unified command has been established during a spill, and are required when significant plan updates are identified or significant lessons can be recorded and implemented.

[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-150, filed 10/12/16, effective 11/12/16. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-150, filed 9/25/06, effective 10/26/06.]

## Section B—Contingency Plan Format and Content

**WAC 173-182-210 Contingency plan format requirements.** (1) Plan holders shall format and maintain plans to maximize their usefulness during a spill. Information shall be readily accessible and plans will contain job aids, diagrams and checklists for maximum utility.

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

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

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

**WAC 173-182-220 Binding agreement.** (1) Each plan shall contain a written statement binding the plan holder to its use. Form number ECY 070-217 may be used. The binding agreement shall be signed by each of the following: (a) The plan holder, (b) the owner or operator, or a designee with authority to bind the owners and operators of the facilities or vessels covered by the plan. The agreement is submitted with the plan and will include the name, address, phone number, and if appropriate the e-mail address, and web site of the submitting party.

(2) In the statement, the signator will:

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

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

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

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

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

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

**WAC 173-182-230 Contingency plan general content.** (1) Contingency plans must include all of the content and meet all the requirements in this section.

(2) In Washington state, the NWACP serves as the statewide master oil and hazardous substance contingency plan required by RCW 90.56.060. Plan holders shall write plans that refer to and are consistent with the NWACP.

(3) All contingency plans must include the following:

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

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

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

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

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

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

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

(e) Each plan shall have the PRC's name, address, phone number, or other means of contact at any time of the day.

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

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

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

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

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

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

(4) Additional facility plan content.

Facility plans shall include:

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

(b) Starting date of operations;

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

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

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

(iii) All oil(s) or product(s) handled by name and include; density, gravity, API, oil group number, and sulfur content (sweet/sour).

(iv) Include a written description and map indicating site topography, storm water and other drainage systems, mooring areas, pipelines, tanks, and other oil processing, storage, and transfer sites and operations.

(v) A description of the geographic area that could be impacted from a spill at the location based on a forty-eight hour worst case spill trajectory analysis.

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

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

(a) Name of each vessel covered under the plan;

(b) The name, location, and address of the owner or operator;

(c) Official identification code or call sign;

(d) Country of registry;

(e) All ports of call or areas of expected operation in Washington waters;

(f) List all oil(s) or product(s) by name and include; density, gravity, API, oil group number, sulfur content (sweet/sour) and general ship capacity for amounts carried as cargo or fuel;

(g) Description of the operations covered by the plan; and

(h) A diagram indicating cargo, fuel, and ballast tanks and piping, power plants, and other oil storage and transfer sites and operations.

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

(a) In lieu of providing vessels names, call signs and country of registry, plan holders shall maintain accurate enrollment or member lists with vessel specific information provided by covered vessels and shall provide ecology twenty-four hour access to the enrolled vessels list via the internet in a format acceptable to ecology. The list shall be updated daily, or at a minimum every three days. The list must at a minimum include the following:

(i) Vessel name;

(ii) Vessel type;

(iii) Worst case discharge oil type and quantity;

(iv) The name and API gravity of the densest oil being handled on the enrolled vessels;

(v) Qualified individual/spill management team;

(vi) Agent; and

(vii) Protection and indemnity (P&I) club.

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

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

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

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

**WAC 173-182-232 Requirements for vessel umbrella plans maintaining additional agreements for supplemental resources.** (1) Approved umbrella plans provide an efficient and cost-effective mechanism for enrolling vessel owner and operators in contingency plan coverage. Umbrella plans provide response resources to meet the requirements of this chapter. The umbrella plan may be approved for more than one worst case discharge, by port, in areas of operation covered by the plan. Any owner or operator of a covered vessel having a worst case discharge volume that exceeds resources under contract to the umbrella plan may still enroll only if, the vessel owner or operator maintains a contract with another primary response contractor that will provide supplemental response resources, and if those combined resources are sufficient to meet the requirements of this chapter. The vessel owner or operator must provide documentation that authorizes the umbrella plan holder to activate the supplemental response resources, sufficient to meet the worst case discharge of the covered vessel, during a drill, spill or substantial threat of a spill. Documentation must demonstrate the agreement and includes, but is not limited to, authorized representative and commitment letters from contractors, qualified individuals, insurance representatives, member signed enrollment agreements or other letters of intent.

(2) The plan must describe the process for activation of the supplemental resources and shall include the documentation described in subsection (1) of this section. The process for accessing supplemental equipment will be tested in drills.

[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-232, filed 12/14/12, effective 1/14/13.]

**WAC 173-182-240 Field document.** (1) Each plan shall contain a field document which lists time-critical information for the initial emergency phase of a spill and a substantial threat of a spill. The owner or operator of the covered vessel or facility shall make the field document available to personnel who participate in oil handling operations and shall keep the field document in key locations at facilities, docks, on vessels and in the plan. The locations where field documents are kept must be listed in the plan, provided that plan holders covering multiple persons shall not be subject to enforcement if the owner or operator of an enrolled vessel fails to keep the field documents in the location specified in the plan.

Plans covering multiple persons shall include procedures to ensure each vessel covered by the plan is provided the field document prior to entering Washington waters. This can include by electronic means.

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

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

(b) Spill notification procedures and a call out list that meets the requirements in WAC 173-182-260 and 173-182-262 or 173-182-264 as applicable; and

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

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

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

(a) Documentation of the vessel owner/operators contracted access to an emergency response towing vessel (ERTV) at Neah Bay;

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

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

(d) Procedures for call out of the ERTV must be included in the field document.

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

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

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

(2) The plan shall describe what equipment will be used to conduct initial spill assessment, including equipment effective during darkness and low visibility conditions, such as visual methods, tracking buoys, trajectory modeling, aerial overflights, thermal or infrared imagery.

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

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

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-250, filed 9/25/06, effective 10/26/06.]

**WAC 173-182-260 Notification and call-out procedures.** (1) Each plan shall include procedures which will be taken to immediately notify appropriate parties that a spill has occurred. The plan shall identify the central reporting office or individuals responsible for implementing the notification process.

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

(3) The procedure shall establish a clear order of priority for immediate notification.

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

**WAC 173-182-262 Vessel notification requirements for a discharge or substantial threat of a discharge.** (1) The owner or operator of a covered vessel must notify the state through the Washington emergency management division of a discharge or substantial threat of a discharge. Notification must be made within one hour of the discharge or substantial threat of a discharge, or as soon as is feasible without further endangering the vessel or personnel.

(2) Vessel discharge notifications are in addition and made subsequent to notifications that the owner or operator of a covered vessel must provide to the United States Coast Guard. Vessels enrolled in plans covering multiple vessels must notify the plan holder in addition to the state, unless the state has already been notified by the plan holder on behalf of the vessel owner or operator.

(3) Notification of the discharge or substantial threat of a discharge initiates activation of the plan. Upon notification the vessel owner/operator will coordinate as appropriate with:

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

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

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

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

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

(b) Weather;

(c) Tidal currents;

(d) Sea state;

(e) Traffic density;

(f) Condition of vessel; and

(g) Timing or likelihood of vessel repairs.

[Statutory Authority: RCW 88.46.060, 90.46.050. WSR 14-15-076 (Order 13-10), § 173-182-262, filed 7/16/14, effective 8/16/14. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-262, filed 12/14/12, effective 1/14/13.]

**WAC 173-182-264 Notification requirements for facility spills to ground or containment that threaten waters of the state.** (1) Facility plans shall contain procedures for notifications for spills to ground and to permeable secondary containment that threaten to impact waters of the state.

(a) All spills are considered reportable spills except;

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

(ii) CERCLA releases.

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

(iv) Releases from underground storage tanks regulated under chapter 173-360 WAC.

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

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

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

(2) Plan holders must also include procedures in their plan to address spills of an unknown volume. When addressing a spill of an unknown volume, plan holders shall use best professional judgment and may consider the following circumstances in determining when to make notifications:

(a) Whether the spill is ongoing; and

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

[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-264, filed 12/14/12, effective 1/14/13.]

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

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

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

**WAC 173-182-280 Spill management teams.** (1) Each plan shall contain information on the personnel (including contract personnel) who will be available to manage an oil spill response. To meet the requirement, the plan shall include:

(a) An organizational diagram depicting the chain of command for the spill management team for a worst case spill.

(b) For the purpose of ensuring depth of the spill management team, an organization list of one primary and one alternate person to lead each ICS spill management position down to the section chief and command staff level as depicted in the NWACP standard ICS organizational chart. In lieu of being placed in the plan, this list may be maintained at the plan holder's office and be made available to ecology upon request. If a response contractor is used to fill positions, they must agree in writing to staff the positions. The capacity and depth of spill management teams will be evaluated in drills and spills.

(c) A job description for each spill management position; except if the plan holder follows without deviation the job descriptions contained in the NWACP. If the job descriptions are consistent with the NWACP, then the plan holder may reference the NWACP rather than repeat the information.

(d) A detailed description of the planning process which will be used to manage a spill. If the process is consistent with the NWACP then the plan holder may reference the NWACP rather than repeat the information.

(2) The plan shall address the type and frequency of training that each individual listed in subsection (1)(b) of this section receives. The training program at a minimum shall include as applicable ICS, NWACP policies, use and location of GRPs, the contents of the plan and worker health and safety. The training program shall include participation in periodic announced and unannounced exercises and participation should approximate the actual roles and responsibilities of the individual specified in the plan. New employees shall complete the training program prior to being assigned job responsibilities which require participation in emergency response situations.

(3) The plan shall identify a primary and alternate incident commander's representative that can form unified command at the initial

command post, and if located out-of-state, a primary and alternate incident commander that could arrive at the initial command post within six hours. The plan shall include estimated time frames for arrival of the remainder of the spill management team to the spill site, or at the incident command post as appropriate.

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

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

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

## Section C——Planning Standards

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

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

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

**WAC 173-182-315 Facility planning standards for nondedicated work boats and operators.** Each facility plan holder shall plan to obtain nondedicated work boats and operators that will be available to deploy GRPs, enhance skimming, and to provide logistical support or other uses during a spill. At a minimum, the plan shall describe a plan that will support the worst case spill response with work boats and operators that could have arrived on-scene beginning at forty-eight hours.

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

**WAC 173-182-317 Covered vessel planning standards for vessels of opportunity (VOO).** (1) This section applies to owners and operators of covered vessels and covered vessel plan holders who are required to have a plan for the use of VOO. In order to enhance the ability to respond to spills using nondedicated resources, Washington state approved PRCs cannot be identified in the plan as VOO. The VOO may be used in the following ways:

(a) Protecting of sensitive habitats through the placement of oil spill booms;

(b) On-water oil recovery in the nearshore environment;

(c) Providing logistical spill response support; or

(d) Supporting other tactical actions.

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

(a) Name of vessel;

(b) Length of vessel;

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

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

(e) Number of passengers certified to carry;

(f) Number of cabins/berths;

(g) The vessel's Lloyds Registry and/or International Maritime Organization (LR/IMO) number or official number;

(h) Vessel operator contact information;

(i) Vessel crew training records relevant to oil spill response;

(j) Date of the most recent marine survey;

(k) Date of the most recent USCG compliance inspection or boarding;

(l) Date of expiration of USCG Certificate of Compliance or Certificate of Inspection, or Fishing Vessel Safety Examination Decal.

(m) Vessel P&I club affiliation;

(n) Vessel homeport and vessel hailing port;

(o) Residence(s) of vessel owner and crew;

(p) Tactics vessel would like to support;

(q) Seasonal operations of the vessel;

(r) Drug testing program for captain and crew; and

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

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

(a) Name of vessel;

(b) Length of vessel;

(c) Year, make, and model of the vessel;
(d) Vessel engine type(s) and horsepower;
(e) Number of cabins/berths;
(f) The state registration number and/or USCG documentation number or other official number;
(g) Vessel owner contact information;
(h) Vessel owner/crew training relevant to oil spill response;
(i) Date of the most recent marine survey;
(j) Date of the most recent USCG Auxiliary Dockside Courtesy Inspection;
(k) Vessel insurance information and coverage plan;
(l) Vessel homeport and vessel hailing port;
(m) Tactics vessel would like to support;
(n) Residence of vessel owner; and
(o) Plan holder or PRC with which the vessel is contracted. VOO operators may contract with multiple plan holders or primary response contractors.

(4) For planning purposes VOO will be organized by regions, see map of VOO regions below. The regions are designed to ensure adequate numbers of VOO for contracting. Covered vessel plan holders shall have contracted access to VOO in the regions they transit or operate. VOO from all regions may be cascaded into the spill area if the VOO capability is appropriate for the operating environment. The regional areas include:
(a) Region 1: Cape Flattery/Strait of Juan de Fuca.
(b) Region 2: San Juan Islands/North Puget Sound.
(c) Region 3: South Puget Sound/Central Puget Sound.
(d) Region 4: Lower Columbia River.
(e) Region 5: Admiralty Inlet/Hood Canal and North Central Puget Sound.
(f) Region 6: Grays Harbor.

# Vessel of Opportunity Regions

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

**Legend**

**Region**

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

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

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

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

cal support with no more than fifty percent to be pretrained exclusively for logistical support.

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

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

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

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

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

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

(6) Plan holder obligations, as identified within this section, are subject to an adequate number of suitable and capable vessels enrolling with ecology. Plan holders may propose for review and approval an alternative planning standard for a VOO region if, after a good faith effort to contract with the minimum numbers of VOO, the plan holder is not successful. The alternative proposal must provide an equivalent or higher level of protection in terms of spill preparedness and response when compared with the planning standard. This proposal will be subject to a thirty-day public review and comment period, which includes, but is not limited to, interested local and tribal governments and other stakeholders. The alternative proposal must include:

(a) Documentation that there are insufficient numbers of VOO registered.

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

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

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

(a) Requirements for Tier I designated vessels include:

(i) Under contract with the plan holder.

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

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

(B) Basic incident command system training;

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

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

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

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

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

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

(8) VOO drill requirements:

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

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

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

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

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

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

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

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

(b) Have a trained spotter on board the aerial asset capable of acquiring, interpreting, recording and communicating oil location and other information to the command post or field operations at regular intervals. The spotter must be equipped with a high definition photographic or video capability and be able to collect and disseminate the following data about the environmental and operational picture includ-

ing the location of the oil, environmental impacts, and spill resources on-scene:

(i) Latitude and longitude of the location, impacts, or spill resources;

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

(iii) Bearing that the picture was taken;

(iv) Estimated extent of oiling; and

(v) Time and date.

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

(3) In order to provide best achievable technology for aerial oil surveillance, vessel plan holders 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 location of slicks when they are not visible by persons operating at, or near, the water's surface or at night; extend the hours of clean-up operations to include darkness and poor visibility; identify oceanographic and geographic features toward which oil may migrate.

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

(b) The aerial asset must be equipped with a suite of equipment that could support the capabilities described in this subsection. At least two remote sensing systems must be included in the suite and one of them must be a high definition mounted infrared (IR) camera designed to support aerial operations from aerial platforms. If the IR camera is not mounted, then plan holders must demonstrate how the handheld system will be effective from an aerial platform. Plan holders must submit for approval the systems included in the suite. For the IR camera, the following capability descriptions must be included in the submission:

(i) IR camera with sensors capable in the thermal or mid-IR range;

(ii) A sensor which provides high resolution for airborne imaging;

(iii) Continuous optical zoom capability appropriate for use from an aerial platform;

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

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

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

(i) Graphically displaying processed multispectral data (at a minimum displaying the IR and optical windows), photographic images and other information onto electronic marine charts creating high contrast composite images;

(ii) Ability to reference a map image to a geographic location;

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

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

(v) Archiving all processed data and images; and

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

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

[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-321, filed 12/14/12, effective 1/14/13.]

**WAC 173-182-323 Planning standards for pipelines carrying crude oil.** (1) Pipeline plan holders handling, storing or transporting crude oils and diluted bitumen, must have a contract with a PRC that maintains the resources, equipment, and capabilities necessary to respond to an oil that may weather and submerge or sink. Such equipment 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 oil that may remain floating on the surface or to reduce spreading on the bottom;

(c) Dredges, pumps, or other equipment necessary to recover oil from the bottom and shoreline;

(d) Equipment necessary to assess the impact of such discharges; and

(e) Other appropriate equipment necessary to respond to a discharge involving the type of oil handled, stored, or transported.

(2) The equipment must be capable of being on scene within twelve hours of spill notification.

[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-323, filed 10/12/16, effective 11/12/16.]

**WAC 173-182-324 Planning standards for Group 5 Oils.** (1) Plan holders carrying, handling, storing, or transporting Group 5 Oils must have a contract with a PRC that maintains the resources and/or capabilities necessary to respond to a spill of Group 5 Oils. Such equipment 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 oil that may remain floating on the surface or to reduce spreading on the bottom;

(c) Dredges, pumps, or other equipment necessary to recover oil from the bottom and shoreline;

(d) Equipment necessary to assess the impact of such discharges; and

(e) Other appropriate equipment necessary to respond to a discharge involving the type of oil handled, stored, or transported.

(2) The equipment must be capable of being on scene within twelve hours of spill notification.

[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-324, filed 12/14/12, effective 1/14/13.]

**WAC 173-182-325 Planning standards for dispersants.** (1) Plan holders with vessels carrying Group 2 or 3 persistent oil as a primary cargo that transit in any area where preapproval or case-by-case use of dispersants is available as per the NWACP, must plan for the use of dispersants.

(2) The plan holder must identify the locations of dispersant stockpiles, and dispersant type, capable of dispersing the lesser of five percent of the worst case spill volume or twelve thousand barrels per day, using a dispersant to oil ratio of one to twenty.

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

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

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

[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-325, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-325, filed 9/25/06, effective 10/26/06.]

**WAC 173-182-330 Planning standards for in situ burning.** (1) Based on the NWACP, plan holders operating in areas where in situ burning has an expedited approval process must plan for the use of in situ burning.

(2) The plan holder must identify the locations of two fire booms, air monitoring equipment, igniters and aircraft or vessels to be used to deploy the igniters.

(3) The fire booms must be five hundred feet in length each and have an additional one thousand feet of conventional boom, tow bridles and work boats capable of towing the boom for burning operations.

(4) The plan holder must describe the methods of transporting the equipment to a staging area, and appropriate aircraft or vessels to monitor its effectiveness at the scene of an oil discharge.

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

[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-330, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-330, filed 9/25/06, effective 10/26/06.]

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

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

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

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

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

[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-335, filed 10/12/16, effective 11/12/16. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-335, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-335, filed 9/25/06, effective 10/26/06.]

**WAC 173-182-345 Determining effectiveness of recovery systems.** Plan holders and PRCs that own equipment shall provide information for ecology to determine the effectiveness of the recovery systems and how the equipment meets the planning standards. To avoid duplication, plan holders relying upon a PRC to meet the necessary planning standards may reference the information submitted in the PRC's application, as approved by the department. Ecology will use the criteria in ASTM International F 1780-97 (reapproved 2010).

Determination of efficiency of recovery systems in varied operating environments and product types:

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

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

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

[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-345, filed 10/12/16, effective 11/12/16. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-345, filed 9/25/06, effective 10/26/06.]

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

(2) When calculating the EDRC, the formula R = T x 24 hours x E will be used.

R = Effective daily recovery capacity

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

E = 20 percent (efficiency factor).

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

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

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

(c) Documented performance during verified spill incidents; and

(d) Documentation of laboratory testing using ASTM standard methods (ASTM F 631-80) or equivalent test approved by the U.S. Coast Guard.

(4) The following formula will be used to calculate the effective daily recovery capacity for this alternative approach:

R = D x U

R = Effective daily recovery capacity

D = Average oil recovery throughput rate in barrels per hour

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

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

For each skimming system identify the oil storage associated with each recovery system. State the storage capacity integral to the oil recovery system, if applicable. Describe how recovered oil is to be transported to/from interim storage.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-348, filed 9/25/06, effective 10/26/06.]

**WAC 173-182-349 Covered vessel plan holders technical manuals.** (1) Each covered vessel plan holder that operates or transits in the Neah Bay, Cathlamet, or San Juan Islands planning standard areas must provide a technical manual that includes all of the equipment appropriate for the operating environment that is necessary to meet the recovery and storage requirements, through the forty-eight hour time frame.

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

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

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

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

(c) Associated vessels necessary to enhance the skimmer;

(d) At least three hundred feet of boom to enhance the skimmer or an alternative based on manufacturers recommendations;

(e) The mobilization time and home base for the equipment;

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

(g) If applicable, the ability of the recovery system to be used to support night operations;

(h) The minimum number of personnel necessary to deploy the equipment for a twelve hour shift and the training level of personnel appropriate to operate the equipment and carry out recovery;

(i) If alternative speeds are given for equipment associated with a recovery system the information should be included in the equipment description; and

(j) The oil type(s) the associated skimmer is optimized for.

(4) For the storage requirement include the following:

(a) An operational picture or diagram and capacity of the storage system;

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

(c) The mobilization time and home base for the equipment;

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

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

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

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

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

[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-349, filed 12/14/12, effective 1/14/13.]

**WAC 173-182-350 Documenting compliance with the planning standards.** The plan holder shall describe how the planning standards found in this chapter are met.

(1) Each plan shall provide a spreadsheet on the resources intended to meet the planning standards as described in this chapter. This spreadsheet shall account for boom, recovery systems, storage, and personnel by type, quantity, home base and provider.

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

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

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

(5) Plan holders may request approval for alternative notification, mobilization, and travel time by providing documentation to justify the request, such as actual performance during spills or unannounced drills.

(a) The request shall include date and time of performance or test, under average or typical weather/sea state conditions and transportation information.

(b) If ecology accepts these alternative response times, then these response times will be tested in unannounced drills or spills to verify alternative calculations.

(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, it may result in disapproving the alternative.

[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-350, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-350, filed 9/25/06, effective 10/26/06.]

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

| Time (hours) | Boom/Assessment | Minimum Oil Recovery Rate % of WCS volume per 24 hours | Minimum Storage |
|---|---|---|---|
| 6 | Additional 10,000 feet of boom to be used for containment, recovery or protection could have arrived | Capacity to recover the lesser of 10% of worst case spill volume or 12,500 barrels within 24-hour period could have arrived | 2 times the EDRC |

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

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-355, filed 9/25/06, effective 10/26/06.]

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

| Time (hours) | Boom/Assessment | Minimum Oil Recovery Rate % of WCS volume per 24 hours | Minimum Storage in Barrels |
|---|---|---|---|
| 1 | A safety assessment of the spill by trained crew and appropriate air monitoring could have arrived | | |
| 2 | 2,000 feet of boom available at the spill source or downstream of the source could have arrived<br>Alternatively, resources identified to deploy a pipeline control point to keep oil from entering surface waters or penetrating into the ground could have arrived | | |
| 6 | Additional 5,000 feet of boom available for containment, recovery or protection could have arrived | Capacity to recover the lesser of 10% of worst case spill volume or 12,500 barrels within 24-hour period could have arrived | 1 times the EDRC |
| 12 | Additional 20,000 feet of boom to be used for containment, protection or recovery could have arrived | Capacity to recover the lesser of 15% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived | 2 times the EDRC |
| 24 | More boom as necessary for containment, recovery or protection | Capacity to recover the lesser of 20% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived | 3 times the EDRC |
| 48 | More boom as necessary for containment, recovery or protection | Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived | More as necessary to not slow the response |

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

**WAC 173-182-366 Transmission pipeline tank farms.**

| Time (hours) | Boom/Assessment | Minimum Oil Recovery Rate % of WCS volume per 24 hours | Minimum Storage in Barrels |
|---|---|---|---|
| 1 | A safety assessment of the spill by trained crew and appropriate air monitoring could have arrived | | |
| 2 | 2,000 feet of boom available at the spill source or downstream of the source could have arrived<br>Alternatively, resources identified as a pipeline control point to keep oil from entering surface waters or penetrating into the ground could have arrived | | |
| 6 | Additional 5,000 feet of boom available for containment, recovery or protection could have arrived<br>Alternatively, additional resources identified as a pipeline control point to keep oil from entering surface waters or penetrating into the ground could have arrived | Capacity to recover the lesser of 10% of worst case spill volume or 8,000 barrels within 24-hour period could have arrived | 1 times the EDRC |
| 12 | Additional 20,000 feet of boom to be used for containment, protection or recovery could have arrived | Capacity to recover the lesser of 15% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived | 1 times the EDRC |
| 24 | More boom as necessary for containment, recovery or protection | Capacity to recover the lesser of 20% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived | 2 times the EDRC |
| 48 | More boom as necessary for containment, recovery or protection | Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived | More as necessary to not slow the response |

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

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

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

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

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

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

| Time (hours) | Boom/Assessment | Minimum Oil Recovery Rate % of WCS volume per 24 hours | Minimum Storage in Barrels |
|---|---|---|---|
| 1.5 | A safety assessment of the spill by trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived | | |
| 2 | Additional 2,000 feet of boom, or 4 times the length of the largest vessel whichever is less, to be used for containment, protection or recovery could have arrived | | |
| 6 | Additional 10,000 feet of appropriate types of boom for containment, protection or recovery could have arrived | Capacity to recover the lesser of 3% of worst case spill volume or 12,500 barrels within 24-hour period could have arrived. 50% must be able to work in shallow water environments. Depth of 10 feet or less | 1 times the EDRC |
| 12 | Additional 20,000 feet of appropriate types of boom for containment, protection or recovery could have arrived | Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived on scene. At least 20% of the skimming capability must be able to work in shallow water environments. Depth of 10 feet or less | 1.5 times the EDRC |
| 24 | Additional 20,000 feet of boom for containment, protection or recovery could have arrived | Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived | 2 times the EDRC |

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

[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-375, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-375, filed 9/25/06, effective 10/26/06.]

**WAC 173-182-380 Commencement Bay Quartermaster Harbor planning standard.** Those covered vessel and facility plan holders that transit or operate within a five nautical mile radius of a point at Lat. 47°19'29"N Long. 122°27'23"W (WGS 1984) must meet the following standards.

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

[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-380, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-380, filed 9/25/06, effective 10/26/06.]

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

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

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

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

| Time (hours) | Boom/Assessment | Minimum Oil Recovery Rate % of WCS volume per 24 hours | Minimum Storage Volume |
|---|---|---|---|
| 2 | A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived | | |
| 3 | Additional 2,000 feet of boom, or 4 times the length of the largest vessel whichever is less, to be used for containment, protection or recovery could have arrived on scene | | |
| 6 | Additional 7,000 feet of boom with at least 3,000 feet of open water boom for containment, protection or recovery could have arrived | Capacity to recover the lesser of 3% of worst case spill volume or 12,500 barrels within 24-hour period could have arrived. At least 50% must be capable of working in open water environments | 1 times the EDRC |

| Time (hours) | Boom/Assessment | Minimum Oil Recovery Rate % of WCS volume per 24 hours | Minimum Storage Volume |
|---|---|---|---|
| 12 | Additional 20,000 feet of boom appropriate for all potential areas of impact for containment, protection or recovery could have arrived | Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived. At least 50% must be capable of working in open water environments | 1.5 times the EDRC |
| 24 | Additional 20,000 feet combination of appropriate types of boom for containment, protection or recovery could have arrived | Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived | 2 times the EDRC |
| 48 | More boom as necessary for containment, recovery or protection | Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived | More as necessary to not slow the response |

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

**WAC 173-182-395 Neah Bay staging area.** Those covered vessel and facility plan holders that transit or operate within a five nautical mile radius of a point at Lat. 48°23'06"N Long. 124°35'59"W (WGS 1984) must meet the following standards. This area is very rugged, in order to accomplish deployment of resources logistical considerations will need to be planned for. Access to GRP locations may need to be done by helicopter or by land access, plans must identify all of the equipment that could be used to deploy GRPs. The boom and recovery resources to meet the two, three, four and six hour standards must be resident.

| Time (hours) | Boom/Assessment | Minimum Oil Recovery Rate % of WCS volume per 24 hours | Minimum Storage Volume |
|---|---|---|---|
| 2 | A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived | | |
| 3 | Additional 2,000 feet or 4 times the length of the largest vessel of open water boom whichever is less, to be used for containment, protection or recovery could have arrived | | |
| 4 | At least an additional 200 feet of boom and temporary storage of at least 196 barrels with the ability to collect, contain, and separate collected oil from water could have arrived. The additional boom should be capable of encountering oil at advancing speeds of at least 2 knots in waves. This boom shall be of a type appropriate for the operating environment | | |
| 6 | Additional 6,000 feet of boom with at least 4,000 feet of open water boom for containment, protection and recovery could have arrived | Capacity to recover the lesser of 3% of worst case spill volume or 12,500 barrels within 24-hour period could have arrived. 100% of the recovery devices must be able to work in open water environments | 1 times the EDRC |

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

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

**WAC 173-182-400 Copalis, Flattery Rocks and Quillayute Needles planning standard.** Those covered vessel and facility plan holders that transit or operate within the jurisdictional waters of Washington state east of the Three Nautical Mile Line and north of latitude 47°06'00"N, and south of latitude 48°09'00"N (WGS 1984) must meet the following standards. This area is very rugged, in order to accomplish deployment of resources logistical considerations will need to be planned for. Access to GRP locations may need to be done by helicopter or by land access, plans must identify all of the equipment that could be used to deploy GRPs.

| Time (hours) | Boom/Assessment | Minimum Oil Recovery Rate % of WCS volume per 24 hours | Minimum Storage Volume |
|---|---|---|---|
| 2 | A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived | | |
| 3 | Additional 2,000 feet or 4 times the length of the largest vessel of open water boom whichever is less, to be used for containment, protection or recovery could have arrived on scene | | |
| 6 | Additional 12,000 feet of boom with at least 6,000 feet of open water boom for containment, protection or recovery could have arrived | Capacity to recover the lesser of 3% of worst case spill volume or 12,500 barrels within 24-hour period could have arrived. 100% of the recovery devices must be able to work in open water environments | 1 times the EDRC |
| 12 | Additional 20,000 feet of boom combination of types appropriate for containment, protection and recovery could have arrived | Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived. At least 60% of the skimming capability must be able to work open water environments | 1.5 times the EDRC |
| 24 | Additional 20,000 feet combination of types appropriate for containment, protection and recovery could have arrived | Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived | 2 times the EDRC |

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

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

**WAC 173-182-405 Grays Harbor planning standard.** Those covered vessel and facility plan holders that transit or operate within Washington waters in a five nautical mile radius of a point at Lat. 46°54'52.25"N Long. 124°10'26.45"W (WGS 1984) outside the entrance to Grays Harbor must meet these standards.

| Time (hours) | Boom/Assessment | Minimum Oil Recovery Rate % of WCS volume per 24 hours | Minimum Storage Volume |
|---|---|---|---|
| 2 | A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived | | |
| 3 | Additional 2,000 feet of boom or 4 times the length of the largest vessel of boom to be used for containment, protection or recovery could have arrived on scene | | |
| 4 | At least an additional 200 feet of boom and temporary storage of at least 196 barrels with the ability to collect, contain, and separate collected oil from water could have arrived. The additional boom should be capable of encountering oil at advancing speeds of at least 2 knots in waves. This boom shall be of a type appropriate for the operating environment | | |
| 6 | Additional 6,000 feet of boom with at least 2,000 feet of open water boom and 3,000 feet of calm water - Current capable appropriate for containment, protection or recovery could have arrived | Capacity to recover the lesser of 3% of worst case spill volume or 12,500 barrels within 24-hour period could have arrived. 25% must be able to work in shallow water environments - Depth of 10 feet or less | 1 times the EDRC |
| 12 | Additional 20,000 feet of boom with at least 1,000 feet of calm water - Current capable, for containment, protection or recovery could have arrived | Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived. At least 50% must be able to work in open water, 25% of the skimming capability must be able to work in shallow water environments - Depth of 10 feet or less | 1.5 times the EDRC |
| 24 | Additional 20,000 feet of boom for boom containment, protection or recovery could have arrived | Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived | 2 times the EDRC |
| 48 | More boom as necessary for containment, recovery or protection | Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived | More as necessary to not slow the response |

[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-405, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48

RCW. WSR 06-20-035 (Order 00-03), § 173-182-405, filed 9/25/06, effective 10/26/06.]

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

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

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

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

| Time (hours) | Boom/Assessment | Minimum Oil Recovery Rate % of WCS volume per 24 hours | Minimum Storage Volume |
|---|---|---|---|
| 2 | A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived | | |

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

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

**WAC 173-182-420 Vancouver planning standard.** Those covered vessel and facility plan holders that transit or operate on the Columbia River between statute mile 99 and statute mile 107 must meet the following standards.

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

| Time (hours) | Boom/Assessment | Minimum Oil Recovery Rate % of WCS volume per 24 hours | Minimum Storage Volume |
|---|---|---|---|
| 6 | Additional 6,000 feet of boom with at least 3,000 feet of boom being calm water - Current capable containment, protection or recovery could have arrived | Capacity to recover the lesser of 3% of worst case spill volume or 12,000 barrels within 24-hour period could have arrived. 10% must be able to work in shallow water environments - Depth of 10 feet or less | 1 times the EDRC |
| 12 | Additional 20,000 feet of boom with at least 5,000 feet of boom being calm water - Current capable, for containment, protection or recovery could have arrived | Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived. At least 25% of the skimming capability must be able to work in shallow water environments - Depth of 10 feet or less | 1.5 times the EDRC |
| 24 | Additional 20,000 feet of boom with at least 10,000 feet of boom being calm water - Current capable for boom containment, protection or recovery could have arrived | Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived | 2 times the EDRC |
| 48 | More boom as necessary for containment, recovery or protection | Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived | More as necessary to not slow the response |

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-420, filed 9/25/06, effective 10/26/06.]

**WAC 173-182-430 Tri-cities planning standard.** Those covered vessel and facility plan holders that transit or operate on the Columbia River between statute mile 316 and statute mile 322 must meet the following standards.

| Time (hours) | Boom/Assessment | Minimum Oil Recovery Rate % of WCS volume per 24 hours | Minimum Storage Volume |
|---|---|---|---|
| 2 | A safety assessment of the spill with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived | | |
| 3 | Additional 2,000 feet of boom, or 4 times the length of the largest vessel whichever is less, to be used for containment, protection or recovery could have arrived | | |
| 6 | Additional 8,000 feet of boom with at least 4,800 feet of boom being calm water - Current capable for containment, protection or recovery could have arrived | Capacity to recover the lesser of 3% of worst case spill volume or 12,000 barrels within 24-hour period could have arrived. 10% must be able to work in shallow water environments - Depth of 10 feet or less | 1 times the EDRC |
| 12 | Additional 20,000 feet of boom with at least 5,000 feet of boom being calm water - Current capable, for containment, protection or recovery could have arrived | Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived. At least 25% of the skimming capability must be able to work in shallow water environments - Depth of 10 feet or less | 1.5 times the EDRC |
| 24 | Additional 20,000 feet of boom with at least 10,000 feet of boom being calm water - Current capable for boom containment, protection or recovery could have arrived | Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived | 2 times the EDRC |

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

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

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

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

(1) The capability, if applicable, for in situ burning, dispersant, and mechanical recovery;

(2) Surveillance equipment (including fixed wing, helicopters and low visibility equipment) to provide for aerial assessment of spill within six hours of spill notification;

(3) Time frames and mechanisms to cascade in equipment and other resources for up to seventy-two hours;

(4) Ten thousand feet of boom appropriate for shoreline protection, containment and/or ten thousand feet of open water boom for enhanced skimming, containment or other use to arrive within twelve hours; and

(5) Twenty thousand feet of boom appropriate for containment, protection or recovery to arrive within twenty-four hours.

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

## Section D—Response and Protection Strategies for Sensitive Areas

**WAC 173-182-510 Requirements for response and protection strategies.** (1) Plan holders shall have methods to track and contain spilled oil and enhance the recovery and removal operations that are described in the plan.

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

(a) Protection of sensitive shoreline and island habitat by diverting or blocking oil movement;

(b) The plan shall include a description of the sensitive areas and develop strategies to protect the resources, including information on natural resources, coastal and aquatic habitat types and sensitivity by season, breeding sites, presence of state or federally listed endangered or threatened species, and presence of commercial and recreational species, physical geographic features, including relative

isolation of coastal regions, beach types, and other geological characteristics;

(c) Identification of public resources, including public beaches, water intakes, drinking water supplies, and marinas;

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

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

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

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

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

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-510, filed 9/25/06, effective 10/26/06.]

**WAC 173-182-515 Geographic information planning standards for pipeline plan holders.** (1) Plan holders shall create and maintain a geographic information planning tool that supports the plan holder in mapping and tracking spilled oil, decision making, and enhancing the recovery and removal operations that are described in the plan.

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

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

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

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

(d) Topography of the area; and

(e) Oil spill response equipment staging information.

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

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

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

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

**WAC 173-182-520 Facility planning standards for shoreline cleanup.** Each facility plan holder shall identify and ensure the availability of response resources necessary to perform shoreline cleanup operations. This standard will be evaluated using the criteria found in 33 C.F.R. Part 155 Appendix B and 33 C.F.R. 154 Appendix C.

[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-520, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-520, filed 9/25/06, effective 10/26/06.]

**WAC 173-182-522 Covered vessel planning standards for shoreline cleanup.** (1) Each contingency plan shall include procedures for identifying shoreline types that could be impacted by an oil spill and procedures to determine appropriate response tactics for the potentially impacted shorelines during spills. The plan should describe contracted access to shoreline clean-up workers and shoreline clean-up equipment to ensure the following capability can plan to arrive within twenty-four hours of spill notification:

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

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

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

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

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

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

[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-522, filed 12/14/12, effective 1/14/13.]

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

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

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

**WAC 173-182-535 Pipeline planning standards for air monitoring to protect oil spill responders and the public.** Plans will include a narrative description of applicable federal, state, and local requirements and the plan holder's resources for conducting air monitoring to protect oil spill responders and the public, including:

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

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

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

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

(5) A description of action levels for various oil constituents of concern based on products handled by the pipeline (benzene, $H_2S$, etc.);

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

(7) A description of communication methods to at-risk populations;

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

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

**WAC 173-182-540 Planning standards for wildlife rescue and rehabilitation.** The plan shall identify applicable federal, state and NWACP requirements for wildlife rescue and rehabilitation, and describe the equipment, personnel, resource and strategies for compliance with the requirements. These resources shall have the capability to arrive on-scene within twenty-four hours of spill notification.

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

## Section E—Plan Evaluation

**WAC 173-182-610 Plan evaluation criteria.** Plan holders shall prepare a plan that demonstrates capability, to the maximum extent practicable, of promptly and properly removing oil and minimizing en-

vironmental damage from a variety of spill sizes, up to and including worst case spills. Ecology will evaluate plans based on these conditions:

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

(2) If a plan holder operates in an area where more than one planning standard designation applies, ecology will determine the more stringent of planning standards.

(3) Ecology will count equipment if it is appropriate for the operating environment within the geographic area defined in the plan. Ecology will use criteria from sources such as the ASTM International documents, World Catalogue, manufacturer's recommendations, the Regional Response list, the federal Oil Spill Removal Organization guidelines, the *Field Operations Guide* resource typing guidelines and drills and spills to make approval and verification determinations on operating environments.

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

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

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-610, filed 9/25/06, effective 10/26/06.]

**WAC 173-182-620 Alternative method of evaluating planning standards.** (1) A plan holder may request that ecology review and approve a plan based on alternative planning standards. Such requests should be submitted with the plan and shall be subject to a thirty day public review period and comment period which includes, but is not limited to, interested local and tribal governments and other stakeholders.

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

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

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

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

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

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

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

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

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

**WAC 173-182-621 Oil spill contingency plan best achievable protection five-year review cycle.** (1) Ecology will review the planning standards at five-year intervals to ensure the maintenance of best achievable protection to respond to a worst case spill and provide for continuous operation of oil spill response activities to the maximum extent practicable and without jeopardizing crew safety.

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

(a) Best achievable technology;

(b) Staffing levels;

(c) Training procedures; and

(d) Operational methods.

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) Ecology will provide an opportunity for a thirty-day public review and comment period on the draft report.

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

[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-621, filed 12/14/12, effective 1/14/13.]

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

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

Ecology will accept comments on the plan no later than thirty days after the plan has been made publicly available. No later than sixty-five days from the date of public notice of availability, ecology will make a written determination that the plan is disapproved, approved, or conditionally approved. The written determination will be provided in the form of an order and subject to appeal as specified in chapter 43.21B RCW.

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

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

(i) Each specific restriction and the duration for which they apply;

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

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

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

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

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

(c) If plan approval is disapproved, the plan holder shall receive an explanation of the factors.

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

(4) Ecology may review a plan following an actual spill or drill of a plan and may require revisions as appropriate.

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

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

**WAC 173-182-640 Process for public notice and opportunity for public review and comment period.** (1) The purpose of this section is to specify the procedures for notifying the public which includes interested local and tribal governments about contingency plan status and decisions in order to provide opportunities for the public to review and comment.

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

(3) Public comment periods must extend at least thirty days. Public notice, review, and comment periods are required in the following circumstances:

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

(b) Plan updates required by WAC 173-182-130 and 173-182-135;

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

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

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

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

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

(4) Public notice, review, and comment period are not required in the following circumstances:

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

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

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

[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-640, filed 10/12/16, effective 11/12/16. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-640, filed 12/14/12, effective 1/14/13.]

## PART III: DRILL AND EQUIPMENT VERIFICATION PROGRAM

**WAC 173-182-700 Drill participation, scheduling and evaluation.** (1) Plan holders and primary response contractors (PRCs) shall participate in a drill and equipment verification program for the purpose of ensuring that all contingency plan components function to provide, to the maximum extent practicable, prompt and proper removal of oil and minimization of damage from a variety of spill sizes. In Washington, a modified triennial cycle for drills, as found in the National Preparedness for Response Exercise Program ( NPREP), is relied on to test each component of the plan.

(2) Plan holders and PRCs shall ensure ecology is provided an opportunity to help design and evaluate all tabletop and deployment drills for which the plan holder desires drill credit. To ensure this, plan holders shall schedule drills on the NWACP area exercise calendar. Scheduling requirements are noted in the table in WAC 173-182-710.

(3) Ecology shall mail a written drill evaluation report for drills to the plan holder following each deployment and tabletop drill. Credit will be granted for drill objectives that are successfully met.

(4) Objectives that are not successfully met shall be tested again and must be successfully demonstrated within the triennial cycle, except that significant failures will be retested within thirty days.

(5) Where plan deficiencies have been identified in the written evaluation, plan holders may be required to make specific amendments to the plan or conduct additional trainings to address the deficiencies.

(6) A plan holder may request an informal review with ecology of the ecology drill evaluation within thirty days of receipt of the report.

[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-700, filed 10/12/16, effective 11/12/16. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-700, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-700, filed 9/25/06, effective 10/26/06.]

**WAC 173-182-710 Type and frequency of drills.** The following drills shall be conducted within each triennial cycle.

| Type of Drill | Frequency Within the Triennial Cycle | Special Instructions | Scheduling Instructions |
|---|---|---|---|
| Tabletop drills | 3 - One in each year of the cycle | One of the three shall involve a worst case discharge scenario. The worst case discharge scenario drill shall be conducted once every three years. | Must be scheduled at least 60 days in advance, except the worst case discharge scenario at least 90 days in advance. |
| Deployment drills | 6 - Done two per year | These drills shall include, GRP deployments, testing of each type of equipment to demonstrating compliance with the planning standards. | Scheduled at least 30 days in advance. Except the tank vessel multiplan holder deployment drill which must be scheduled at least 60 days in advance. |
| Ecology initiated unannounced drills | As necessary | This drill may involve testing any component of the plan, including notification procedures, deployment of personnel, boom, recovery and storage equipment. | No notice. |
| ERTV Deployment Drill for covered vessels transiting the Strait of Juan de Fuca | 1 - One in each three year cycle, this is an additional deployment drill unless it is incorporated into a large multiobjective deployment drill. | This drill may involve notifications and tug call out, communications safety, tug demonstration of making up to, stopping, holding, and towing a drifting or disabled vessel and holding position within one hundred feet of another vessel. | Scheduled at least 30 days in advance. |
| Wildlife Deployment Drill | 1 - One in each three year cycle. This is an additional drill unless it is incorporated into a large multiobjective deployment drill. | This drill will be a deployment of wildlife equipment and wildlife handlers. | Scheduled at least 30 days in advance. |
| Tank vessel multiplan holder deployment drill | 1 - One in each three year cycle. | This drill may involve dedicated and nondedicated equipment, vessels of opportunity, multiple simultaneous tactics, and the verification of operational readiness over multiple operational periods. | Scheduled at least 60 days in advance. |

(1) Tabletop drills: Tabletop drills are intended to demonstrate a plan holder's capability to manage a spill using the incident command system (ICS). Role playing shall be required in this drill. During all required tabletop drills plan holders must provide a master list of equipment and personnel identified to fill both command post and field operations roles. The master resources list must include:

(a) Western regional response list identification numbers for all response resources; and

(b) Personnel names, affiliation, home base and command post or field role.

(2) Once during each three year cycle, the plan holder shall ensure that key members of the regional/national "away" team as identified in the plan shall be mobilized in state for a drill. However, at ecology's discretion, team members that are out-of-state may be evaluated in out-of-state tabletop drills if ecology has sufficient notice, an opportunity to participate in the drill planning process, and provided that the out-of-state drills are of similar scope and scale to

what would have occurred in state. In this case, key away team members shall be mobilized in this state at least once every six years.

(3) Plan holders covering multiple vessels and ecology shall together design a systematic approach to, over time, involve all spill management teams identified in WAC 173-182-230 (6)(a) in tabletop and deployment drills as a best practice to demonstrate the preparedness of enrolled vessel members. These drills will be scheduled by the plan holder or unannounced to be conducted by ecology, at the discretion of ecology. These drills may test any plan components but at a minimum will include notification to the enrolled vessel qualified individual, coordination of supplemental resources under WAC 173-182-232 and the transition from the plan holder spill management team to the enrolled vessel company spill management team.

(4) Equipment deployment drills: Plan holders shall use deployment drills to demonstrate the actions they would take in a spill, including: Notifications, safety actions, environmental assessment, and response equipment deployment.

(a) During the triennial cycle, deployment drills shall include a combination of plan holder owned assets, contracted PRC assets, nondedicated assets, and vessels of opportunity.

(b) Plan holders should ensure that each type of dedicated equipment listed in the plan and personnel responsible for operating the equipment are tested during each triennial cycle. Plan holders must design drills that will demonstrate the ability to meet the planning standards, including recovery systems and system compatibility and the suitability of the system for the operating environment. Drills shall be conducted in all operating environments that the plan holder could impact from spills.

(c) At least twice during a triennial cycle, plan holders shall deploy a geographic response plan (GRP) strategy identified within the plan. If no GRPs exist for the operating area, plan holders will consult with ecology to determine alternative sensitive areas to protect.

(d) Plan holders may request credit for the prebooming of an oil transfer provided the transfer is scheduled as a deployment on the drill calendar. Such credit may only be requested once per triennial cycle.

(5) Plan holders may receive credit for deployment drills conducted by PRCs if:

(a) The PRC is listed in the plan; and

(b) The plan holder operates in the area, schedules on the drill calendar, and participates in or observes the drill.

(6) Additional large-scale multiple tank vessel plan holder equipment deployment drill requirement. Once every three years all tank vessel plan holders, including plan holders that enroll multiple tank vessels, must participate in a multiple plan holder deployment exercise. At least one plan holder shall be the drill planning lead, participate in all the planning meetings and observe the drill. This deployment may include the following objectives:

(a) Demonstration of dedicated and nondedicated equipment and trained contracted personnel;

(b) Demonstration of contracted vessel of opportunity response systems and crew performing operations appropriate to the vessel capabilities;

(c) Demonstration of multiple simultaneous tactics including:

(i) On-water recovery task forces made up of complete systems which demonstrate storage, recovery, and enhanced skimming;

(ii) Protection task forces which deploy multiple GRPs;

(iii) Vessel and personnel decontamination and disposal;

(iv) Deployment of contracted aerial assessment assets and aerial observers to direct skimming operations; and

(v) Personnel and equipment identified for night operations.

(d) Verification of the operational readiness during both the first six hours of a spill and over multiple operational periods.

(7) Additional deployment requirement for vessel plan holders with contracted access to the ERTV. Once every three years plan holders with contracted access to the ERTV must cosponsor a drill that includes deployment of the ERTV, unless ERTV drill credit has already been received under WAC 173-182-242 (1)(e). This drill must be scheduled on the area exercise calendar. The drill shall include at a minimum:

(a) Notifications and tug call out;

(b) Safety and environmental assessment;

(c) Demonstration of making up to, stopping, holding, and towing a drifting or disabled vessel;

(d) Demonstration of the capability to hold position within one hundred feet of another vessel; and

(e) Communications.

(8) Additional deployment requirement for all plan holders. Once every three years plan holders must deploy regional mobile wildlife rehabilitation equipment and personnel necessary to set up the wildlife rehabilitation system found in the plan. This is an additional deployment drill unless it is incorporated into a large multiobjective deployment drill.

(9) For all plan holders, ecology may initiate scheduled inspections and unannounced deployment and tabletop drills.

(a) In addition to the drills listed above, ecology will implement a systematic scheduled inspection and unannounced drill program to survey, assess, verify, inspect or deploy response equipment listed in the plan. This program will be conducted in a way so that no less than fifty percent of the resources will be confirmed during the first triennial cycle, and the remaining fifty percent during the subsequent triennial cycle.

(b) Unannounced drills may be initiated by ecology when specific problems are noted with individual plan holders, or randomly, to strategically ensure that all operating environments, personnel and equipment readiness have been adequately tested.

(c) Unannounced notification drills are designed to test the ability to follow the notification and call-out process in the plan.

(d) Immediately prior to the start of an unannounced deployment or tabletop drill, plan holders will be notified in writing of the drill objectives, expectations and scenario.

(e) Plan holders may request to be excused if conducting the drill poses an unreasonable safety or environmental risk, or significant economic hardship. If the plan holder is excused, ecology will conduct an unannounced drill at a future time.

[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-710, filed 10/12/16, effective 11/12/16. Statutory Authority: RCW 88.46.060, 90.46.050. WSR 14-15-076 (Order 13-10), § 173-182-710, filed 7/16/14, effective 8/16/14. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-710, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-710, filed 9/25/06, effective 10/26/06.]

**WAC 173-182-720 Evaluation criteria.** The ecology drill evaluation process is based on the National Preparedness for Response Exercise Program (NPREP) 2016 guidance document. The NPREP guidance document lists fifteen core components that shall be demonstrated by the plan holder during the triennial cycle. Ecology adopts the fifteen core components as the criteria used to evaluate plan holder tabletop and deployment drills. The core components are as follows:

(1) Notifications: Test the notifications procedures identified in the plan.

(2) Staff mobilization: Demonstrate the ability to assemble the spill response organization identified in the plan.

(3) Ability to operate within the response management system described in the plan: This includes demonstration of the ICS staffing and process identified in the plan.

(4) Source control: Demonstrate the ability of the spill response organization to control and stop the discharge at the source.

(5) Assessment: Demonstrate the ability of the spill response organization to provide an initial assessment of the discharge, or potential discharge and provide continuing assessments of the effectiveness of the tactical planning and operations.

(6) Containment: Demonstrate the ability of the spill response organization to contain the discharge at the source or in various locations for recovery operations.

(7) Mitigation: Demonstrate the ability of the spill response organization to recover, mitigate, and remove the discharged product through the use of oil spill countermeasures including, but not limited to, mechanical oil recovery, dispersants, in situ burning, and bioremediation.

(8) Protection: Demonstrate the ability of the spill response organization to protect the environmentally, culturally, and economically sensitive areas identified in the NWACP and the plan.

(9) Disposal: Demonstrate the ability of the spill response organization to dispose of the recovered material and contaminated debris in compliance with guidance found in the NWACP.

(10) Communications: Demonstrate the ability to establish an effective communications system throughout the scope of the plan for the spill response organization.

(11) Transportation: Demonstrate the ability to provide effective multimode transportation, for all areas of the response.

(12) Personnel support: Demonstrate the ability to provide the necessary logistical support of all personnel associated with the response.

(13) Equipment maintenance and support: Demonstrate the ability to maintain and support all equipment associated with the response.

(14) Procurement: Demonstrate the ability to establish an effective procurement system.

(15) Documentation: Demonstrate the ability of the plan holder's spill management organization to document all operational and support aspects of the response and provide detailed records of decisions and actions taken.

[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-720, filed 10/12/16, effective 11/12/16. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-720, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-720, filed 9/25/06, effective 10/26/06.]

**WAC 173-182-730 Other ways to get drill credit.** (1) Plan holders may request drill credit for a response to an actual spill, provided that ecology has an opportunity to participate and evaluate the spill response. Credit from spills shall not entirely alleviate the plan holder's responsibility to drill.

To obtain credit, a written request to ecology shall be made within sixty days of completion of the cleanup operations.

(a) The request shall include documentation supporting the components of WAC 173-182-720.

(b) Plan holders shall have up to ninety days to submit a lessons learned summary supporting the request for drill credit.

(2) Plan holders may request drill credit for out-of-state tabletop drills if:

(a) Ecology has been invited to attend the drill;

(b) Ecology has an opportunity to participate in the planning process for the drill. There shall be a meeting to discuss the scope and scale of the exercise, the drill objectives and the types of criteria for which Washington credit may be applicable;

(c) Documentation of the drill and self certification documentation shall be provided to ecology within thirty days of the drill;

(d) The plan holder has one response plan for a number of facilities or a fleet of vessels; and

(e) Plan holders seeking credit for a scheduled out-of-state drill shall notify ecology in writing ninety days in advance, to provide ecology an opportunity to participate.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-730, filed 9/25/06, effective 10/26/06.]

**WAC 173-182-740 Drill requirement waivers.** (1) Plan holders may request a waiver for a deployment or tabletop drill requirements.

(2) The request shall be in writing and shall describe why a waiver should be considered and how the plan holder is meeting the purpose and intent of the drill program with the waiver.

(3) Plan holder's requests for a drill waiver will be made available for public review and comment, including interested local and tribal governments and other stakeholders, for a period of thirty days.

(4) Ecology will evaluate the request and respond in writing within sixty calendar days of receipt of the waiver request.

[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-740, filed 10/12/16, effective 11/12/16. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-740, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-740, filed 9/25/06, effective 10/26/06.]

## PART IV: PRIMARY RESPONSE CONTRACTOR (PRC) STANDARDS

**WAC 173-182-800 Primary response contractor (PRC) application.** (1) To become a state-approved PRC, a response contractor must:

(a) Submit an application as set forth in subsection (2) of this section;

(b) Have a process to provide twenty-four hour/day contact for spill response;

(c) Commit to begin mobilization efforts immediately upon notification but no later than one hour from notification of a spill;

(d) Maintain equipment in accordance with manufacturer specifications;

(e) Identify and train staff and supervisors expected to be deployed on oil spill response tactics or used to meet plan holder planning standards;

(f) Assist plan holders in meeting the requirements for plans and drills in Washington; and

(g) List response equipment on the western regional response list currently located at www.wrrl.us, or provide an equivalent electronic equipment list and commit to maintaining the equipment list in whatever format is provided.

(2) To apply, a contractor should complete, sign and submit the application form number ECY 070-216.

[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-800, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-800, filed 9/25/06, effective 10/26/06.]

**WAC 173-182-810 Content submittal and review of contractor applications.** The PRC application must contain the following information as applicable to the capabilities of the PRC:

(1) A list of primary response contractor personnel indicating whether they are full-time, part-time, or subcontracted including their homebase or office location, and the spill management team roles or tactical roles they may fill in a response.

(a) If personnel are available to the primary response contractor via subcontract a summary of the contract terms for personnel resources should be included in the application. The contract shall be made available to ecology upon request.

(b) A list of all staff training, including training of subcontractors if applicable, and a description of the frequency of essential core training response staff receive.

(c) The training program must be specific to the tactics the PRC intends to perform. Include in the application details about the following training areas as applicable:

(i) Safety training;

(ii) Training on-site safety assessment;

(iii) Assessment of environmental conditions;

(iv) Determination that equipment is appropriate for the conditions;

(v) Air monitoring equipment and documentation; and

(vi) Development of a hazard worksheet.

(d) Additional training as necessary for personnel that may be relied upon to perform these tasks:

(i) Conducting site safety briefings;

(ii) Use and deployment of limited visibility tracking devices;

(iii) Utilization and coordination of communications equipment;

(iv) Transfer of a product from skimmer to on-water and shoreside storage;

(v) Containment of a land spill from entering water by channeling, diverting, or berming;

(vi) Fast water river response strategies;

(vii) High current marine response strategies;

(viii) GRP or protection strategy familiarization and deployment;

(ix) Anchoring and setting boom;

(x) Familiarization and deployment of PRC owned oiled-wildlife rehabilitation equipment;

(xi) On water recovery including enhanced skimming;

(xii) Directing field resources;

(xiii) Incident command system training for spill management team roles.

(2) A list of all communication assets by type and location. The frequencies and geographical ranges must be included. This list must be maintained and if not included in the application made available to ecology upon request.

(3) A list of response equipment must be submitted electronically to ecology or via western response resource list, at www.wrrl.us, containing the following information:

(a) All equipment must be given a unique company identifier, and this identifier must be submitted on the list provided to ecology.

(b) Equipment must include the minimum number of personnel required to operate successfully for one shift.

(c) The location the equipment is stored using latitude/longitude in the WGS 1984 coordinate system. The coordinates must be in decimal degree format.

(d) The type of equipment, including manufacturer's name, manufacture date, model and specifications.

(e) For boom, list the length, manufacturer's name, model, size, and date of manufacture.

(f) For oil recovery devices state the manufacturer's name, model, EDRC or approved alternative, manufacture date, and operating environment.

(g) For temporary storage list the maximum capacity in barrels.

(h) For workboats list the vessel name and/or identifier, length, and vessel type, manufacturer, engine type(s) and horsepower.

(4) A detailed description of the vessel of opportunity program.

(5) A detailed description of other response technologies systems available such as in situ burn, bioremediants, and other chemical agents.

(6) A detailed description of any wildlife rescue and rehabilitation resources. Include a list of contracts or agreements with any trained wildlife rescue and rehabilitation personnel.

(7) A detailed description of equipment and personnel that would be used for shoreline cleanup. This should include a description of training resources for additional clean-up personnel.

(8) A list of agreements for access to shoreside storage. Include the owner, location, and general estimate of volume.

(9) A list of agreements for fixed wing and rotary aircraft used to support spill clean-up operations.

(10) A detailed description of remote sensing equipment and aerial surveillance resources and personnel that the primary response contractor has under contract or letter of intent that could be used to detect and track the extent and movement of oil or direct on-water recovery operations.

(11) Once an application is received, ecology will determine whether it is complete. If not, the response contractor shall be notified of deficiencies in writing and given a time period for submitting the required information.

(12) Equipment and personnel readiness will be verified once the application is approved. Ecology may inspect equipment, training records, maintenance records, drill records, and may request a test of the call-out procedures, and require operation of each type of equipment listed in the application. These inspections may be conducted at any/all equipment locations. Any resources not on-site at the time of an inspection shall be accounted for by company records.

(13) If the application is approved and the verification is satisfactory, the contractor shall receive a letter of approval describing the terms of approval, including expiration dates and EDRC of the recovery equipment. PRC approvals will be reviewed by ecology every three years. Applications shall be resubmitted forty-five calendar days in advance of the expiration date.

(14) Once the PRC application is approved, the PRC must certify in writing on a quarterly basis that the list of equipment the contractor maintains in their application or on the WRRL is accurate. Any contractor that doesn't maintain their list on the WRRL, must resubmit their electronic list on a quarterly basis.

(15) Notification by facsimile or e-mail will be considered written notice.

(16) Failure to certify the accuracy of the equipment list on a quarterly basis may result in the loss of PRC approval.

(17) If the application is not approved, the contractor shall receive an explanation of the factors for disapproval and a list of actions to be taken to gain approval.

(18) Approval of a response contractor by ecology does not constitute an express assurance regarding the adequacy of the contractor nor constitute a defense to liability imposed under state law.

[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-810, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-810, filed 9/25/06, effective 10/26/06.]

**WAC 173-182-820 Significant changes require notification.** (1) The PRC is responsible to provide written notification to ecology and all plan holders to whom they are obligated, within twenty-four hours, of any significant change in the information reported in the approved application. The notice shall include the identification of back up resources sufficient to maintain the PRC readiness level, and the estimated date that the original equipment shall be back in full service.

(2) Changes which are considered significant include:

(a) Loss of equipment that results in being out of compliance with any planning standard of any plan holder covered by the PRC;

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

(c) If greater than ten percent of available boom, storage, recovery, dispersants, in situ burn or shoreline clean-up equipment is moved out of the home base, except for a drill or training, as depicted on the WRRL;

(d) Permanent loss of primary response contractor personnel identified to fill ICS positions for plan holders;

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

(f) Modification or discontinuing of any mutual aid, letter of intent, or contract agreement.

(3) Notification by facsimile or e-mail will be considered written notice.

(4) Failure to report changes could result in the loss of PRC approval.

(5) If ecology determines that PRC approval conditions found in WAC 173-182-800 are no longer met, approval may be revoked. The PRC will receive a written notice of the loss of approval and a time period to either appeal or correct the deficiency.

(6) Ecology will immediately notify plan holders of changes in the approval status of PRCs or significant changes in PRC capability.

[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-820, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-820, filed 9/25/06, effective 10/26/06.]

## PART V: RECORDKEEPING AND COMPLIANCE INFORMATION

**WAC 173-182-900 Recordkeeping.** Ecology may verify compliance with this chapter by examining training and equipment maintenance records, drill records, accuracy of call-out and notification lists, spill management team lists, ICS forms, waste disposal records, post-spill reviews and records on lessons learned.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-900, filed 9/25/06, effective 10/26/06.]

**WAC 173-182-910 Noncompliance.** (1) If an owner or operator of a covered vessel, onshore or offshore facility, a person or plan holder is unable to comply with an approved contingency plan or otherwise fails to comply with requirements of this chapter, ecology may, at its discretion:

(a) Place conditions on approval; and

(b) Require additional drills to demonstrate effectiveness of the plan; or

(c) Revoke the approval status.

(2) Approval of a plan by ecology does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under state law.

(3) Any violation of this chapter may be subject to the enforcement and penalty sanctions.

(4) Ecology may assess a civil penalty of up to one hundred thousand dollars against any person who is in violation of this chapter. Each day that a covered vessel, facility or person is in violation of this chapter shall be considered a separate violation.

[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-910, filed 10/12/16, effective 11/12/16. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-910, filed 9/25/06, effective 10/26/06.]

**WAC 173-182-920 Operation without plan.** (1) A covered vessel may not enter or operate on the waters of the state without an approved, or conditionally approved, contingency plan, except that a covered vessel not in compliance with this chapter may enter waters of the state if the Coast Guard has determined that the vessel is in distress.

(2) The owner or operator of an onshore or offshore facility may not operate without an approved, or conditionally approved, plan nor transfer cargo or passengers to or from a covered vessel that does not have an approved, or conditionally approved, contingency plan. The owner or operator of a covered vessel may not transfer oil to or from an onshore or offshore facility that does not have an approved or conditionally approved contingency plan.

(3) Ecology may assess a civil penalty under RCW 43.21B.300 of up to one hundred thousand dollars against any person who is in violation of this chapter. In the case of a continuing violation, each day's continuance shall be considered a separate violation.

(4) Any person found guilty of willfully violating any of the provisions of this chapter, or any final written orders or directive of ecology or a court shall be deemed guilty of a gross misdemeanor and upon conviction shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment in the discretion of the court. Each day upon which a willful violation of the provisions of this chapter occurs may be deemed a separate and additional violation.

[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-920, filed 10/12/16, effective 11/12/16. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-920, filed 9/25/06, effective 10/26/06.]

**WAC 173-182-930 Severability.** If any provision of this chapter is held invalid, the remainder of the chapter is not affected.

[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-930, filed 10/12/16, effective 11/12/16. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-930, filed 9/25/06, effective 10/26/06.]