Chapter 173-185 WAC
OIL MOVEMENT BY RAIL AND PIPELINE NOTIFICATION

Last Update: 8/24/16

WAC

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PART A
GENERAL REQUIREMENTS

WAC 173-185-010 Applicability. This chapter applies to owners and operators of:

(1) Facilities that receive crude oil by railroad car in the state; and

(2) Transmission pipelines that transport crude oil through the state.

[Statutory Authority: RCW 90.56.565. WSR 16-17-144 (Order 15-13), § 173-185-010, filed 8/24/16, effective 10/1/16.]

WAC 173-185-020 Purpose. The purpose of this chapter is to enhance oil transportation safety in Washington and protect public safety and the environment by establishing notification requirements and procedures that inform emergency response agencies and the public of all crude oil shipments to facilities by rail and crude oil transport by transmission pipelines in the state. This chapter establishes:

(1) Advance notice requirements for facilities that receive crude oil by railroad car.

(2) Biannual notice requirements for transmission pipelines that transport crude oil.

(3) Disclosure procedures for ecology to:

(a) Provide nonaggregated information collected under this chapter to the state emergency management division and any county, city, tribal, port, and local government emergency response agency to help these agencies effectively prepare for and respond to oil spills and other accidents.

(b) Provide aggregated information collected under this chapter to inform the public about the nature of crude oil movement through their communities.

[Statutory Authority: RCW 90.56.565. WSR 16-17-144 (Order 15-13), § 173-185-020, filed 8/24/16, effective 10/1/16.]

WAC 173-185-030 Compliance schedule. (1) Facilities.

(a) Owners and operators of facilities in operation at the time this chapter is adopted must meet the advance notice requirements in WAC 173-185-070 on the effective date of this chapter.

(b) Owners and operators of new facilities must meet the advance notice requirements in WAC 173-185-070 immediately upon beginning operations in the state.

(2) Transmission pipelines.

(a) Owners and operators of transmission pipelines in operation at the time this chapter is adopted must meet the biannual notice requirements in WAC 173-185-080 on the effective date of this chapter and submit their first biannual notice by January 31, 2017.

(b) Owners and operators of new transmission pipelines must meet the biannual notice requirements in WAC 173-185-080 immediately upon beginning operations in the state.

[Statutory Authority: RCW 90.56.565. WSR 16-17-144 (Order 15-13), § 173-185-030, filed 8/24/16, effective 10/1/16.]

WAC 173-185-040 Enforcement and penalties. Any violation of this chapter may be subject to enforcement and penalties under RCW 90.48.120, 90.48.140, and 90.48.144.

[Statutory Authority: RCW 90.56.565. WSR 16-17-144 (Order 15-13), § 173-185-040, filed 8/24/16, effective 10/1/16.]

WAC 173-185-050 Definitions. (1) **"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.

(2) **"Crude oil"** means any naturally occurring hydrocarbons coming from the earth that are liquid at twenty-five degrees Celsius and one atmosphere of pressure including, but not limited to, crude oil, bitumen and diluted bitumen, synthetic crude oil, and natural gas well condensate.

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

(4)(a) **"Facility"** means 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.

(5) **"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.

(6) **"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.

(7)(a) **"Owner"** or **"operator"** means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) 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.

(b) **"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.

(8) **"Person"** means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, ship, or any other entity whatsoever.

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

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

(11) **"State"** means the state of Washington.

(12) **"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.

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

[Statutory Authority: RCW 90.56.565. WSR 16-17-144 (Order 15-13), § 173-185-050, filed 8/24/16, effective 10/1/16.]

WAC 173-185-060 Severability. If any provision of this chapter is held invalid, the remainder of the chapter is not affected.

[Statutory Authority: RCW 90.56.565. WSR 16-17-144 (Order 15-13), § 173-185-060, filed 8/24/16, effective 10/1/16.]

PART B
FACILITIES

WAC 173-185-070 Advance notice——Facility requirements. (1) Owners and operators of a facility that will receive crude oil from a railroad car must provide ecology with advance notice of all scheduled crude oil deliveries to be received by the facility as provided in this section. Notification may be made by the facility owner or operator's designee.

(2) The advance notice must contain the following information:

(a) Name, address, contact person, and telephone number of the facility;

(b) Region of origin of crude oil as stated, or as expected to be stated, on the bill of lading;

(c) Railroad route taken to the facility within the state, if known;

(d) Scheduled time, which means date, and volume of the scheduled delivery;

(e) Gravity, as measured by the most recently approved standards developed by the American Petroleum Institute or, if unavailable at the time of reporting, expected gravity of crude oil scheduled to be delivered.

(3)(a) Advance notice must be provided to ecology each week for all arrivals of railroad cars carrying crude oil scheduled for the succeeding seven-day period.

(b) All newly scheduled arrivals of railroad cars carrying crude oil after the advance notice time frame under (a) of this subsection must be reported to ecology as soon as possible and before the shipment enters the state. If the shipment is already in the state, the scheduled arrival must be reported when the information is known to the facility.

(4) Notification must be submitted via internet web site established by ecology.

[Statutory Authority: RCW 90.56.565. WSR 16-17-144 (Order 15-13), § 173-185-070, filed 8/24/16, effective 10/1/16.]

PART C
PIPELINES

WAC 173-185-080 Biannual notice——Pipeline requirements. (1) Owners and operators of a transmission pipeline that transports crude oil in or through the state must provide ecology biannual notice of all crude oil transported by the transmission pipeline in or through the state. Notification may be made by the transmission pipeline owner or operator's designee.

(2) The notice must contain the following information:

(a) Company name, address, contact person, and telephone number of the pipeline;

(b) Volume of crude oil by each listed state or province of origin of the crude oil.

(3)(a) Notification must be submitted to ecology each year by July 31st for the period January 1st through June 30th and by January 31st for the period July 1st through December 31st.

(b) Notification must be submitted by e-mail to ecology.

[Statutory Authority: RCW 90.56.565. WSR 16-17-144 (Order 15-13), § 173-185-080, filed 8/24/16, effective 10/1/16.]

PART D
DISCLOSURES AND NONDISCLOSURES

WAC 173-185-090 Disclosures——Emergency management division and county, city, tribal, port, and local government emergency response agencies. Ecology will share the advance notice information collected from facilities under this chapter with the state emergency management division and any county, city, tribal, port, or local government emergency response agency upon request. Requests to access this information must be submitted to ecology by e-mail.

[Statutory Authority: RCW 90.56.565. WSR 16-17-144 (Order 15-13), § 173-185-090, filed 8/24/16, effective 10/1/16.]

WAC 173-185-100 Disclosures——The public. Ecology will disclose information collected under this chapter by publishing it on a quarterly basis on ecology's web site.

(1) Ecology will publish the following crude oil movement information:

(a) Mode of transport (i.e., railroad car or pipeline);

(b) Place of origin by region for facilities and by state or province for transmission pipelines;

(c) Number and volume of reported spills during transport and delivery;

(d) Estimated number of railroad cars delivering crude oil; and

(e) Reported volume of crude oil received by facilities and crude oil transported by transmission pipelines in or through the state.

(2) With respect to information on oil movement to facilities provided by this section, ecology will aggregate information on a statewide basis by:

(a) Route;

(b) Week; and

(c) Type of crude oil.

[Statutory Authority: RCW 90.56.565. WSR 16-17-144 (Order 15-13), § 173-185-100, filed 8/24/16, effective 10/1/16.]

WAC 173-185-110 Nondisclosure. Pursuant to RCW 42.56.270(23) and 90.56.565(5), ecology and any state, local, tribal, or public

agency that receives information provided under this chapter may not disclose any such information to the public or to nongovernmental entities that contains proprietary, commercial, or financial information unless that information is aggregated. The requirement for aggregating information does not apply when information is shared by ecology with emergency response agencies as provided in WAC 178-185-090.

[Statutory Authority: RCW 90.56.565. WSR 16-17-144 (Order 15-13), § 173-185-110, filed 8/24/16, effective 10/1/16.]