



WASHINGTON STATE
DEPARTMENT OF
E C O L O G Y

As required by the Washington State Administrative Act, RCW 34.05.

IMPLEMENTATION PLAN FOR THE ADOPTION OF
Chapter 173-180 WAC and
Chapter 173-184 WAC

09/25/2006

Publication Number: 06-08-027

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IMPLEMENTATION PLAN FOR THE ADOPTION OF
Chapter 173-180 WAC and Chapter 173-184 WAC

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Implementation Plan for Chapters 173-180 and 173-184 WAC

1. Please describe how the Agency intends to implement and enforce the rule. Please include a description of the resources the Agency intends to use.

Ecology Spills program is currently enforcing existing vessel and facility oil spill prevention and preparedness rules. These two new rules will add additional regulations and standards for advance notice of transfer, pre-transfer containment, and alternative measures to an expanded regulated community. Ecology received funding in 2006 for six new staff to provide outreach and enforcement of these new rules. We are redirecting existing resources to conduct oil transfer work.

Ecology will implement the proposed rules primarily through face to face education, technical assistance and outreach efforts in the first few months as the affected vessels and facilities learn of and begin implementing the proposed rules. We will use current and new hire employees in the Spills program to meet with the affected parties and help answer questions and provide guidance to implement the rules.

Ecology has hired new oil transfer inspectors with complimentary backgrounds to educate, inform, and enforce the new regulations. Ecology has strategically placed these new inspectors geographically where most of the oil transfers occur in the state to inspect as many transfers as possible. We developed a new inspector training program to assist us in meeting the above stated goals. We are now training these new inspectors to help perform these functions. We will use dedicated resources that will allow the inspectors to be in the

field to the maximum extent possible with an emphasis on transfer inspections along with dedicated time spent on technical assistance and information dissemination.

2. Please describe how the Agency intends to inform and educate affected persons about the rule.

Ecology Spills program already performed a broad outreach during the informal proposed rule making process to the regulated community, governmental agencies, environmental organizations, the tribes, and other interested parties. During this time, Ecology established an advisory committee comprised of a majority of the currently and potentially regulated communities and used this committee to help us develop the rule framework.

We will use current and new hire employees in the Spills program to meet with the regulated communities to answer questions and provide guidance and technical assistance on the new rules. We also developed a comprehensive communication and outreach plan to provide information on the rules through the use of Ecology's website, focus sheets, bulletins, and fact sheets. Along with the outreach plan, we are developing guidance, checklists, educational documents and other tools to assist in compliance and education.

We currently have a very professional cadre of vessel and facility inspectors who currently perform high levels of training and outreach to covered vessels and facilities. These inspectors will be tasked with providing new information and outreach with face to face meetings providing materials and other information on the requirements for the new rules.

The Spills program also has a dedicated outreach specialist to help develop outreach materials that highlight Ecology Spills Prevention goals, requirements, and instructional materials including rule information.

The currently unregulated marina community has been approached via mailings to all marinas in Washington with the help of the Sea Grant program. Program staff have worked to inform and update marinas and ports about the rules and provided information to them in the form of brochures, stickers, handouts, and personal meetings. We also plan to attend applicable meetings, conventions, and other similar gatherings to spread the news of these regulations.

3. Please describe how the Agency intends to promote and assist voluntary compliance for this rule.

The current prevention rules have been in place since the 1990's and Ecology has enjoyed a high level of voluntary compliance due to our professional courtesy, regulated community relationships and reputation, technical assistance efforts, and the recognition that the rules have value in preventing oil spills. We will continue to provide this high level of technical assistance to these regulated entities to bridge the gap from the old rules to the new and assist them in understanding the new regulations.

We will use a variety of methods to promote understanding and voluntary compliance with these rules including:

1. Face to face meetings with affected persons to answer questions and hand out packets of information.
2. The creation and wide dissemination of handy pocket sized brochures focus sheets, and checklists aimed at each sector of the affected community, i.e. a brochure for vessels and each class of facility. This information will be designed to provide the end user with a quick reference to the requirements of the rules that apply to them.
3. The rules, regulations, and guidelines will be posted on Ecology's website.
4. Periodic outreach in the form of mailings, attendance at workshops and other personal site visits.
5. The development of a feed-back loop in the form of quarterly meetings with affected parties to discuss the implementation of these rules. These meetings will provide valuable educational opportunities for all parties as well as a forum for brainstorming solutions to meet the legislative intent of these rules for any site-specific or unforeseen operational situations that may have arisen.

Our rules will cover bulk oil transfers with non-recreational vessels that occur over waters in this state. However, we also anticipate other parties will want information regarding this rule. Information will be provided on our web-site as well as available in publication form on request.

4. Please describe how the Agency intends to evaluate whether the rule achieves the purpose for which it was adopted, including to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcome.

The purpose of these two chapters is the prevention of oil spills by setting high prevention standards as well as setting new standards for pre-booming and response requirements. These new rules are meant to reduce the incidence of spills and reduce the harm these spills cause to the environment.

These rules require oil deliverers to give advance notice of oil transfers occurring in state waters. Ecology will use the data acquired from these notices to build an oil transfer picture for Washington State. This picture will show the number and types of transfers, where the transfers are occurring, and how much oil is being transferred. This is vital information for developing objectively measurable outcomes. Ecology's Marine Information System (MIS) will be used to provide data on the number of transfer related spills, volumes of spilled oil, inspections, spill trends, oil recovery rate oil compared to the number and types of transfers and the volumes of oil transferred and other useful information. This information in combination with data from Ecology's first class investigation program into causal factors will be used to evaluate our effectiveness. Performance measures will be developed to track and assess the Spill program's success in making progress towards the legislature's zero spills goal.

5. Please describe how the Agency intends to train and inform Ecology staff regarding new rule or rule amendment.

Personnel hired as Ecology oil transfer inspectors are qualified to work in this field since they are either experienced or trained in the oil handling industry by having a maritime background or an engineering degree or both. Ecology has a core training program and the Spills Program has additional required training specific to vessel and facility inspectors. Inspectors are trained and certified in hazardous materials handling, conducting investigations, industry required classes such as Tankerman PIC classes, and other approved classes to ensure competency. In addition to class room training, all inspectors receive extensive on-the-job training with experienced vessel and facility inspectors. Inspectors also receive cross training in preparedness and response through drills, and training and participation in the Incident Management Action Team¹. In addition to core and program specific training, oil transfer inspectors, regional staff and other appropriate program personnel will receive specific training on rule implementation their work through training workshops, mentoring programs, technical course work, cross training opportunities, section meetings, and other means.

Ecology has found that hiring people experienced in vessel or facility field operations helps give credibility to our program and leads to a better understanding and working relationship with the regulated community. Past and future successes are found with having a high credibility with the maritime community and a strong presence on the waterfront. We will build on this program as we hire new inspection staff, cross train existing staff and develop the training materials to implement the rules.

6. Please identify supporting documents that may need to be revised because of the rule amendment. Or Identify new supporting documents that need to be developed because of a new rule.

New Chapter 173-180 WAC combines previous Chapters 173-180A through 173-180D. These chapters will be repealed at a later date.

Ecology will be updating and revising the Facility Oil Handling and Design Standards Rule Guidance Manual, Publication No. 94-195.

All current oil transfer related checklists, brochures, handouts, and focus sheets will be amended to reflect the new requirements and references.

We will be developing additional supporting documents in the form of booklets, focus sheet, flyers, internal checklists, and brochures for the newly regulated communities. Please see the answer to question 4 for additional information.

¹ The Incident Management Action Team is an internal team of experts from the Spills Program who train and respond to oil spills when there is no responsible party to step forward and fulfill the important Incident Command roles.