



# Rule Adoption Notice

## Facility Oil Handling Standards, Chapter 173-180 WAC & Vessel Oil Transfer Advance Notice and Containment Requirements, Chapter 173-184 WAC

*As a result of legislation passed in 2003 (ESSB 5766) Ecology is required to send out notification to businesses affected by rule adoptions. To comply with this law and to keep the regulated community better informed of Ecology rule adoptions, you are receiving this notification of a rule adoption.*

### For more information or technical assistance:

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### For more information:

#### Visit online:

[www.ecy.wa.gov/programs/spills/spills.html](http://www.ecy.wa.gov/programs/spills/spills.html)

You can sign-up for **WAC Track** to receive emails about rule-making activities.

#### To join:

<http://listserv.wa.gov/archives/ecology-wac-track.html>

Click on "join or leave the list".

### Requirements of the rule

Facilities and vessels that deliver oil to non-recreational vessels must notify Ecology prior to a bulk oil transfer and may be required to pre-boom the oil transfer when it is safe and effective to do so. Alternative measures for transfer safety must be met when it is unsafe or ineffective to pre-boom.

These rules are scaled to risk. Facilities and vessels need to determine their transfer flow rate and the oil capacity of the vessel they are transferring with (if applicable), in order to determine the level of requirements which apply to them.

### Summary of the rules adopted on September 25, 2006

The following is a highlight of the new requirements. Please see the rules for complete understanding of new regulations and standards.

#### WAC 173-184 Vessel Oil Transfer Advance Notice and Containment Requirements:

- Applies to all vessels delivering oil on or over the waters of the state.
- Delivering vessel must provide advance notice of transfer to Ecology for all transfers over 100 gallons.
- Requires bulk oil transfer rates over 500 gallons per minute to be pre-boomed, when it is safe and effective to do so, along with more staged equipment.
- Requires bulk oil transfer rates 500 gallons per minute or less to choose to meet either the pre-booming requirements or apply alternative measures to ensure safe oil transfers and quick response if oil is spilled into the water.

#### WAC 173-180 Facility Oil Handling Standards:

- Applies to all facilities which transfer oil to or from pipelines and/or nonrecreational vessels.
- Categorizes facilities into the following 4 classes:
  - Class 1 are refineries and other large facilities currently regulated by Ecology;
  - Class 2 are mobile facilities, such as tanker trucks, when transferring oil to nonrecreational vessels;
  - Class 3 are oil handling facilities which transfer oil to nonrecreational vessels with an oil capacity of 10,500 gallons or more, and;



- Class 4 are marinas and other small fueling installations that transfer oil to nonrecreational vessels with an oil capacity of less than 10,500 gallons.

All classes of facilities must determine the oil transfer rate for each transfer and follow the applicable Rate A or Rate B requirements:

- Rate A transfers must pre-boom, when it is safe and effective to do so, when transfers are over 500 gallons per minute.
- Rate B transfers have option to preboom or meet alternative measures when pre-booming is not employed.
- Class 1 facility new *additional* regulations:
  - Delivering Class 1 facilities must provide advance notice of transfer to Ecology for all transfers over 100 gallons.
  - Develop Safe and Effective Threshold values for transfer locations
  - Rate A transfers must pre-boom when it is safe and effective to do so.
  - Apply alternative measures when pre-booming is unsafe or ineffective.
- Class 2 facility regulations (mobile facilities):
  - Delivering Class 2 facilities must provide advance notice of transfer to Ecology, for all transfers over 100 gallons.
  - Develop and submit for approval an operations manual to Ecology.
  - Develop and submit for approval a training and certification program for all employees who either transfer oil or preboom transfers.
  - Develop and submit for approval an oil spill response plan.
- Class 3 facility regulations:
  - Delivering Class 3 facilities must provide advance notice of transfer to Ecology, for all transfers over 100 gallons to nonrecreational vessels.
  - Train personnel responsible for boom deployment in the proper use and maintenance of boom.
  - Have spill response equipment on hand.
- Class 4 facility regulations:
  - Send Ecology twice yearly reports on amounts transferred to nonrecreational vessels.
  - Post numbers for spill notification and response on the dock.
  - Train all people who have duties in oil transfers.
  - Have a person assigned responsibility for responding to reports of spills on weekends and nights when the facility may not be staffed.
  - Have spill response equipment on hand.
  - Perform maintenance on transfer equipment.

## **Effective October 26, 2006**

Chapter 173-180 and 173-184 WAC becomes effective 31 days after the rule is filed with the Office of the Code Reviser.

*If you require this publication in an alternate format, please contact the Spills Program at (360) 407-7455, or Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.*

## **Appeal procedures**

This adoption can be appeal under procedures described in the Administrative Procedure Act (RCW 34.05.330). For additional information about appealing this adoption please contact Jerry Thielen, Ecology's Regulatory Affairs Manager at (360) 407-7551 or by email [jthi461@ecy.wa.gov](mailto:jthi461@ecy.wa.gov).

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