



Washington State Department of Ecology

Spill Prevention, Preparedness and Response Program

IMPLEMENTATION PLAN

CHAPTER 173-182 WAC, Oil Spill Contingency Plan Rule

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

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Implementation Plan for Chapter 173 - 182 WAC, Oil Spill Contingency Plan Rule

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.

This rule consolidates and adopts two existing rules, first developed in the early 1990's in response to comprehensive oil spill response legislation. Much of the infrastructure, process and policies to implement this rule are already in place. The Agency efforts at implementing and enforcing will focus largely on educating the regulated community on the differences in the adopted rules and managing the phase-in period for rule compliance. Regional staff will continue to be the primary implementers of the preparedness program. Headquarters staff will continue to provide training to the spills staff to enhance drills, plan reviews and response contractor approvals. Ecology will also continue to provide technical assistance and information as needed to the regulated community and the various stakeholder committees and councils that have interest in this rule.

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

Ecology will provide technical assistance to each individual plan holder to assist in meeting the new standards. Regional and headquarters staff will be available to answer questions concerning the new changes, especially in the early stages of implementation.

Throughout the rule process, Ecology staff has been in contact with the regulated community and the public through publications, meetings and workshops to familiarize people with the pending changes. Several guidance and educational documents have been developed and will be distributed to assist in compliance and education efforts. Information regarding the new requirements will be sent to interested parties, plan holders, response contractors, counties officials, tribes, environmental groups and other stakeholders via mailing list, email list and website information. The Agency will also use the Northwest Area Committee planning process (a regional planning effort) to inform key stakeholders about the rule. In addition, an oil spill council has been formed to advise the Agency on oil spill related issues, and this forum will also be useful to educate persons about the rule.

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

Educating stakeholders on the changes helps to promote voluntary compliance. This rule has been in place since the early 1990's, and companies are already complying with the existing requirements. Assistance will be provided to help bridge the gap between existing rules and adopted rule changes. Existing guidance manuals and focus sheets will be updated to provide details and examples for compliance.

Other activities that have been proven to be useful in the past at helping to promote voluntary compliance are:

1. The regulations and guidance documents are available on Ecology's web site.
2. Routine training of regional staff on new regulations.
3. Building on existing relationship with regulated communities and stakeholder groups, Ecology will continue to conduct outreach during drills, workshops and site inspections.

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 the rule is maximize the effectiveness and timeliness of oil spill responses, ensure readiness of equipment and people, support coordination of state and federal planning efforts, and provide for protection of environmental, cultural and significant economic resources by minimizing the impacts of spills.

The regulated community will submit oil spill plans that will be reviewed and approved. The rule contains measurable standards for evaluating whether the rule standards are met. A phase-in period is contained in the rule that describes the time period for resubmitting plans to the Agency, and internal performance measures have been set to ensure timely plan reviews.

Drills are used to ensure that the plans can be implemented, and response contractors are approved based on their ability to mobilize immediately. Written evaluations and tracking of the drill program objectives will be provided, with follow up when changes are needed in plans. Internal performance measures have been set to ensure timely drill evaluations and approval of response contractors.

Other milestones and measurable outcomes:

The Agency monitors the distribution and maintenance of response equipment to ensure that it is appropriately pre-staged. The rule sets goals to test, inspect, verify or otherwise confirm that entire cache of response equipment in Washington over two three-year cycles. A systematic tracking and documentation process will be developed to do this.

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

Training will be conducted on the rule changes that staff will encounter most commonly, but will include training and individual research of every aspect of the changes. The Program has a training and competency program, DRILLTRAC. Two new modules will be developed on drill design and evaluation. Guidance manuals, policies and procedures have been developed that provide insight to staff on reviewing plans and applications, and objectively evaluating drills.

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.

The following supporting documents will be revised and posted on the program webpage:

- Contingency Plan Review Manual (this manual aids both the Ecology staff that review and the regulated community that submits plans to be approved).
- Drill Guidance manual.
- Drill Evaluation Checklist and matrix forms.
- Primary Response Contactor Review Checklist form.
- Vessel No-Notice Notification drill checklist form.

The following supporting documents will be created:

- Primary Response Contactor application form
- DRILLTRAC modules on drill design and evaluation.

In addition, the list of publications will be reviewed to determine, based on content and focus, which guidance documents should be a priority to assign for revisions.