



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

IMPLEMENTATION PLAN FOR THE ADOPTION OF
Chapter 173-183 WAC, Preassessment Screening
and Oil Spill Compensation Regulations

3/2/09

Publication Number: 09-08-005

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Spill Prevention, Preparedness & Response Program

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Implementation Plan for Chapter 173-183 WAC, Preassessment Screening and Oil Spill Compensation Regulations

- 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 changes the mathematical formula used in the Natural Resource Damage Assessment (NRDA) compensation schedules in Chapter 173-183 WAC. The change in the formula is to the “multiplier” which allows the compensation calculation to reach the upper limits established by the Legislature. Beginning April 10, 2009, the Department of Ecology (Ecology) will use the new multipliers to calculate damages for injury to natural resources in the range of \$1 to \$100 per gallon of oil spilled into the waters of the state. The resources, process, and policies to implement the rule are already in place. Ecology will provide technical assistance and information about this rule to the regulated community and various stakeholders.

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

Ecology will electronically distribute a copy of the Rule Adoption Notice and Rule Making Order (CR-103) to approximately 700 people identified as interested in this rulemaking. Ecology will post information about the rule on the Spills Rules internet page at <http://www.ecy.wa.gov/programs/spills/rules/main.html>. Ecology will inform the Resource Damage Assessment committee about rule adoption, and explain how the changes will calculate damages for injury to natural resources in the range of \$1 to \$100 per gallon of oil spilled into the waters of the state.

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

Voluntary compliance is not applicable. This rule affects only the calculation of damages for injury to natural resources when a spill has occurred and a responsible party has been identified.

- 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.**

RCW 90.48.366 established the range of \$1 to \$100 per gallon of oil spilled into the waters state. Ecology will determine the effectiveness of this rule over time by reviewing the range of damage payments collected. This range should fall within that established in statute.

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

Ecology NRDA staff will conduct training to ensure that all personnel responsible for calculating damages are fully aware of the rule change and correctly apply the new multiplier values.

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.

Ecology will revise the following documents related to this rulemaking:

- Focus: Oil Spill Damage (pub# 02-08-004)
- Notice of Intent to conduct a preassessment screening