# **Implementation Guidance: Type A Railroad Contingency Plan Holders**

# Updates to WAC 173-186

## [18 month phase-in](https://ecology.wa.gov/Regulations-Permits/Plans-policies/Contingency-planning-for-oil-industry/Rule-implementation) (Due by July 18, 2021)

Type A Railroad Oil Spill Contingency Plan holders will update their plans to demonstrate the contracts, tools, procedures, people, equipment, and training to meet the updated planning requirements. Rule changes requiring contingency plan updates include:

### Updated Binding Agreement ([WAC 173-186-210](https://apps.leg.wa.gov/WAC/default.aspx?cite=173-186-210)).

Plan must contain a binding agreement signed by a person(s) with the authority to bind the owners and operators to the plan. This may include an authorized owner, operator, or designee of the rail company or an authorized representative of a company contracted to provide containment and clean up services.

Ecology has created a boilerplate binding agreement form that plan holders may use: [ECY 070-612](https://fortress.wa.gov/ecy/publications/SummaryPages/ECY070612.html).

### Contingency plan general content [(WAC 173-186-220(3)(g)(i))](https://apps.leg.wa.gov/wac/default.aspx?cite=173-186-220), contractor contact information.

Include the following information for each contracted primary response contractor (PRC), spill management team (SMT), or wildlife response service provider (WSRP) used to meet planning standards:

* 24-hour phone number.
* Name, address, or other means of contact.
* A contract or letter summarizing the contract terms. If the contract is not in the plan, the plan should include a commitment that the contract will be made available to Ecology upon request.

### Full description of SMTs, both internal and external [(WAC 173-186-220(3)(h)(ii)](https://apps.leg.wa.gov/wac/default.aspx?cite=173-186-220)

Plan contains Spill Management Team information consistent with the Incident Command System (ICS) and Northwest Area Contingency Plan (NWACP) including:

* A table (see example below ) detailing the names of personnel if internal, or the name of a contracted SMT, to fill the ICS roles as specified in the table in [WAC 173-186-220(h)(ii)](https://apps.leg.wa.gov/wac/default.aspx?cite=173-186-220). Personnel may be listed a maximum of two times.
* A description of the planning process that will be used to manage the spill and job descriptions for SMT positions, or reference to an Incident Management Handbook that includes this information. The NWACP may be referenced rather than repeat the information.
* Commitment to work in unified command within ICS.
* Detailed procedures for the orderly transition of initial response team staff to incoming local, regional, or away teams, including transitions between shift changes.
* Detailed training program description for each SMT position including the type and frequency of training provided to each SMT member.

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| --- | --- | --- | --- |
| **ICS Position** | **Name** | **Name** | **Name** |
| Responsible Party Incident Commander |  |  |  |
| Public Information Officer |  |  |  |
| Liaison Officer |  |  |  |
| Safety Officer |  |  |  |
| Operations Section Chief |  |  |  |
| Planning Section Chief |  |  |  |
| Finance Section Chief |  |  |  |
| Logistics Section Chief |  |  |  |
| Air Operations Branch Director |  |  |
| Situation Unit Leader |  |
| Resources Unit Leader |  |
| Documentation Unit Leader  |  |
| Environmental Unit Leader |  |

### New notification documentation form - field document ([WAC 173-186-230](https://apps.leg.wa.gov/wac/default.aspx?cite=173-186-230)).

The plan is now required to include a form to document notifications made according to the plan’s procedures – this should be placed in the field document.

Format for a notification documentation form

Ecology has created an example notification form that may be amended to fit your needs. Another example is in the [rail boilerplate plan](https://ecology.wa.gov/Asset-Collections/Doc-Assets/Spills/Preparing-for-spills/Contingency-plan-template):

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| --- |
| Notification Flow Chart & Documentation Template |
|  |  |  |  |
|  |  |  |  |
| Internal Notifications |
| Person to Contact | Phone Number(s) | Person Notified | Time & Date |
|   |   |   |   |
|   |   |   |   |
|   |   |   |   |
|   |   |   |   |
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| Response Contractors |
| Contact | Phone Number(s) | Person Notified | Time & Date |
|   |   |   |   |
|   |   |   |   |
|   |   |   |   |
|   |   |   |   |
|  |  |  |
| Government/External Notifications |
| Contact | Phone Number(s) | Person Notified | Time, Date, & Case ID/Incident Record # |
| USCG National Response Center |  1-800-424-8802 |   |   |
| WA Emergency Management Division |  800-258-5990 |   |   |

### Planning standard for spills of oils that, depending on their chemical properties, environmental factors (weathering), and method of discharge, may submerge or sink (WAC 173-186-330).

The plan holder or contracted PRC must have personnel, equipment, and procedures in place within the time frames outlined in [WAC 173-186-330](https://apps.leg.wa.gov/WAC/default.aspx?cite=173-186-330), including:

* The process for identifying the potential of the oil handled to become non-floating.
* A description of the process for detecting, delineating, and recovering non-floating oils in the areas that may be impacted.
* If non-floating oils response details are not in the plan, the plan contains a citation of the non-floating oils response tool [NWACP Section 9412](https://rrt10nwac.com/NWACP/Default.aspx).
* If applicable, a contract or letter with the referenced PRC summarizing coverage, dated within last 5 years and signed by the PRC.

### Planning standards for wildlife response ([WAC 173-186-370](https://apps.leg.wa.gov/WAC/default.aspx?cite=173-186-370))

Plan holders must plan to respond to and care for wildlife injured or endangered by oil spills. Plan holder contingency plans must reference the NWACP and all actions must be conducted in accordance with applicable federal and state regulations and the NWACP.

At a minimum, the plan must include:

* Description of, and commitment to comply with, federal, state, and NWACP permits and requirements for wildlife response and rehabilitation.
* Access, under contract or other approvable means, to the equipment, personnel, permits, materials, and supplies, for conducting wildlife response operations in accordance with the capabilities detailed in WAC 173-186-370(1), (2), (3), and (4).
* A description of the equipment, personnel, and resources for wildlife response as required in WAC 173-186-370(2).
* Contracted access to approved WRSP personnel to conduct and manage the wildlife response.

The approved WRSP and PRC applications may be referenced to partially meet this requirement.

### Type and frequency of drills ([WAC 173-186-510](https://app.leg.wa.gov/wac/default.aspx?cite=173-186-510) and [173-186-530](https://apps.leg.wa.gov/WAC/default.aspx?cite=173-186-530)).

Include a statement in the plan committing to participating in the large scale equipment deployment drills.

The section describing other ways to get drill credit ([WAC 173-186-530](https://apps.leg.wa.gov/WAC/default.aspx?cite=173-186-530)) was updated. A spill can now only count for credit once per triennial cycle, unless approved by Ecology.