

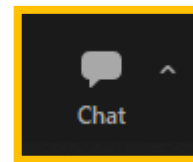
Public Hearing for: Rulemaking for Chapters 173-180 and 173-184 WAC

We will begin shortly

All lines are muted

Technical issues?

Use the chat feature to
type privately to the host



Hearing Agenda

Chapter 173-180 WAC, Facility Oil Handling Standards

Chapter 173-184 WAC, Vessel Oil Transfer Advance Notice and Containment Requirements

Public hearing webinar. This is an online hearing forum that you can attend from any computer using internet access.

Introductions, agenda review, meeting logistics

Hearings Officer

Staff presentation

Brittany Flittner

Q&A

Facilitated by
Brittany Flittner

Formal public hearing

Hearing Officer

Close public hearing

Hearing Officer





Rulemaking Public Hearing Presentation

Chapter 173-180 WAC and Chapter 173-184 WAC



Overview

- ESHB 1578 (section 8): Expand advance notice of oil transfer reporting requirements
- Rules last updated in 2007
- Necessary administrative updates
- Broader policy changes



Chapters 173-180 and 173-184 WAC

SCOPE

- Make changes to address inconsistent or unclear direction in the rule(s), and make any corrections needed.

WHY

- Ease of compliance.
- Clear and consistent requirements.



Chapters 173-180 and 173-184 WAC

SCOPE

- Evaluate and update codes and standards throughout the rule(s).

WHY

- Keep pace with latest codes and standards.



Chapters 173-180 and 173-184 WAC

SCOPE

- Update and clarify enforcement provisions for expired plans, manuals, reports, and programs requiring re-approval for Class 1 and 2 facilities and delivering vessels.

WHY

- Plans re-submitted on time.
- Ease of compliance.



Chapters 173-180 and 173-184 WAC

SCOPE

- Update submittal requirements, recordkeeping requirements, and compliance schedules throughout the rule(s).

WHY

- Keep pace with advances in technology.
- Streamline process requirements.
- Ease of compliance.



Chapters 173-180 and 173-184 WAC

SCOPE

- Clarify safe and effective determination and Boom Reporting Form submission requirements for Rate A deliveries.

WHY

- Ensure continual assessment of oil transfer conditions.
- Clarity for thorough completion of the Boom Reporting Form.



Chapters 173-180 and 173-184 WAC

SCOPE

- Expand Safe and Effective Threshold Determination Report content requirements and align report and review requirements for Rate A deliverers.

WHY

- Clarify report requirements.



Chapters 173-180 and 173-184 WAC

SCOPE

- Expand advance notice of oil transfer reporting requirements for Class 1, 2, and 3 facilities and delivering vessels.

WHY

- Align with updated state law.
- Provides helpful information to response community.



Chapter 173-180 WAC

SCOPE

- Clarify and expand plan content and drill requirements for Class 2 facility Oil Transfer Response Plans.

WHY

- Strengthen preparedness measures throughout the state.
- Strengthen readiness when a spill occurs.



Chapter 173-180 WAC

SCOPE

- Establish facility out of service and decommissioning requirements for Class 1 facilities.

WHY

- Prevention measures during the entirety of a facility's life cycle.



Chapter 173-180 WAC

SCOPE

- Establish seismic protection requirements for transfer pipelines and storage tanks for Class 1 facilities.

WHY

- Ensures protections in place to help prevent spills during seismic events.



Chapter 173-180 WAC

SCOPE

- Clarify and expand plan preparation and plan content requirements for Prevention Plans, including secondary containment permeability and facility spill risk analysis criteria for Class 1 facilities.

WHY

- Provides detailed guidance for Prevention Plan requirements.



Chapter 173-180 WAC

SCOPE

- Clarify training and certification requirements for Class 1 facilities.

WHY

- Provide clarity for ease of compliance.



Chapter 173-184 WAC

SCOPE

- Update advance notice reporting timeframe requirements for delivering vessels.

WHY

- Time to prepare for oil transfer inspections.
- Provides enhanced protection to waters of the state.



Chapter 173-184 WAC

SCOPE

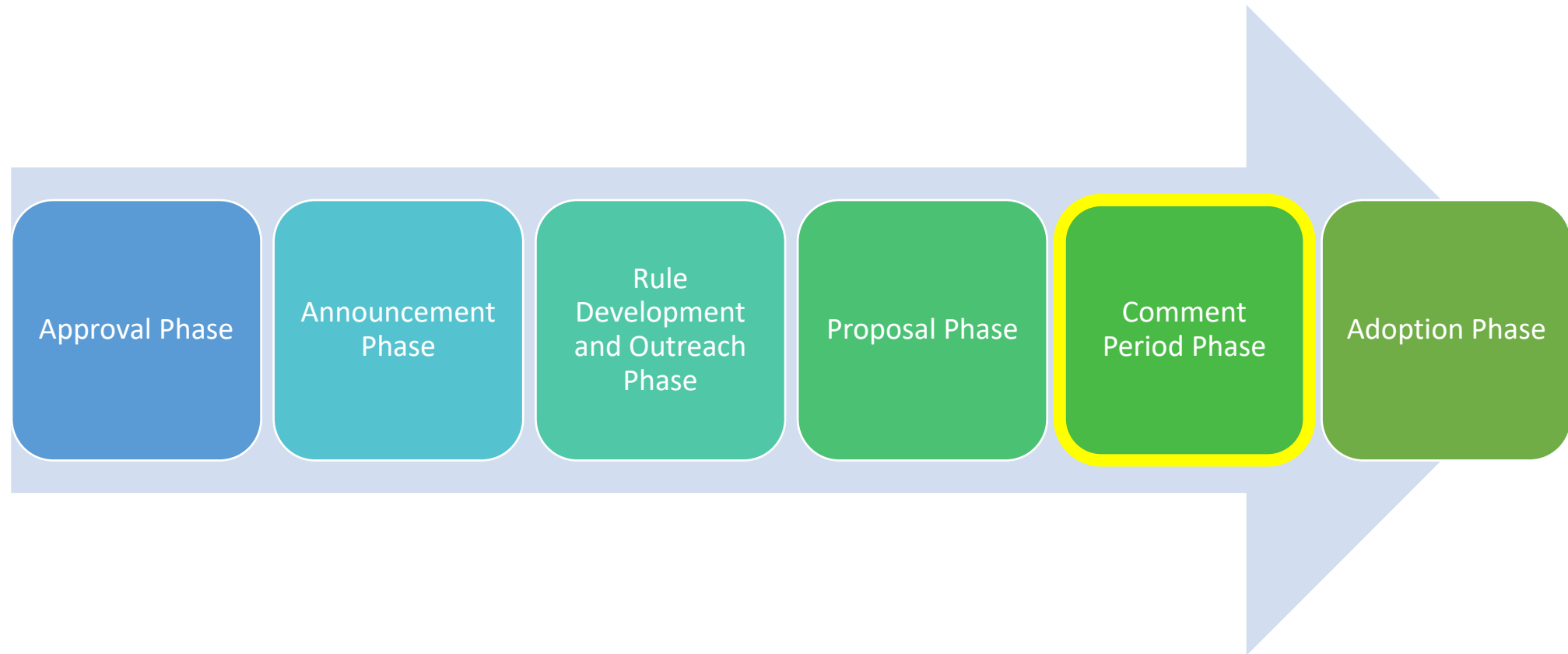
- Update and clarify pre-booming and safe and effective threshold determination requirements for lightering operations, and for short-term transfer location approval requests for Rate A deliverers.

WHY

- Address gap in safe and effective coverage for certain situations.



Phases of Rulemaking



Timeline

Date	Activity
August 3, 2021	CR-101, rule announcement
August 2021 – December 2022	Develop rule language
January 2023	CR-102, propose rule
February 8, 14, and 16, 2023	Public hearings
March 5, 2023	Public comment period closes
June 6, 2023	CR-103, adopt rule
July 7, 2023	Rule effective

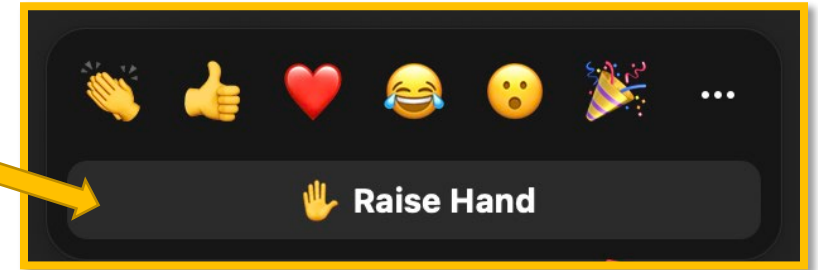
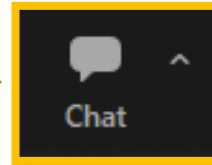
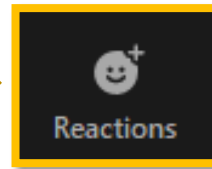


Questions

If you want to ask a question,
please click the “Raise Hand”
button under “Reactions”

OR

Use the “Chat” box to type in
your question



We are now on a 10-minute break and will resume shortly for formal testimony.

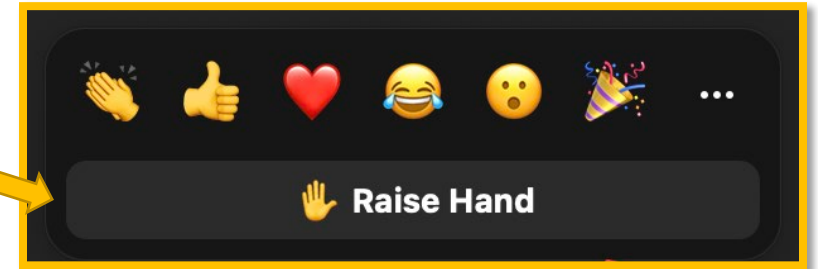
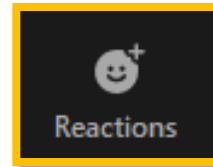


Formal Testimony

We are now receiving formal testimony.

Persons wishing to provide an oral comment may do so by clicking the “Raise Hand” button under “Reactions”

Commenters will be called upon in the order they are received.



Submit Comments by March 5, 2023

Online

Submit comments online here:

<https://sppr.ecology.commentinput.com/?id=6Mx2s>

Rulemaking Website:

<https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-180-173-184>

Mail

Submit comments by mail to:

Brittany Flittner

Department of Ecology

Spill Prevention, Preparedness, and Response Program

PO Box 47600

Olympia, WA 98504-7600

For Parcel Service:

Brittany Flittner

Department of Ecology

Spill Prevention, Preparedness, and Response Program

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Lacey, WA 98503

