



# RULE-MAKING ORDER

**CR-103P (May 2009)**  
**(Implements RCW 34.05.360)**

**Agency:** Washington State Department of Ecology AO #15-13

**Permanent Rule Only**

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) October 1, 2016 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:** The Washington State Department of Ecology is adopting a new rule, Chapter 173-185 WAC, Oil Movement by Rail and Pipeline Notification. Chapter 173-185 WAC creates reporting standards for facilities that receive crude oil by rail, and pipelines that transport crude oil through the state. Additionally, the rule identifies reporting standards for Ecology to share information with emergency responders, local governments, tribes, and the public.

Notification of oil movement will provide emergency responders with essential information they can use to better prepare for and respond to incidents. The information provided will identify the volume and type of crude oil scheduled for transport through the state. Emergency responders can use the information to plan response strategies, equipment selection, and staffing levels.

**Citation of existing rules affected by this order:**

- Repealed:
- Amended:
- Suspended:

**Statutory authority for adoption:** RCW 90.56.565

**Other authority :**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 16-08-118 on April 6, 2016.

Describe any changes other than editing from proposed to adopted version:

- The final rule language includes an update to the definition of "Transmission Pipeline" in WAC 173-185-050(12) in response to public comment.
- The word "pipeline" was changed to "transmission pipeline" to clarify which type of pipeline was subject to the rule.
- The phrase "in or through" was included in WAC 173-185-080(1) to clarify that crude oil that is delivered in Washington State or transits through the state in transmission pipelines is subject to the biannual notice requirements in the rule.
- "If known" was removed from WAC 173-185-100(2)(a) in response to public comment and to bring the reporting requirement into alignment with RCW 90.56.565(3).
- RCW 90.48.120 was added to WAC 173-185-040 to clarify the process Ecology will use to issue notices of a determination that a violation has or will occur.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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**Date adopted:** 8/24/16

**NAME** Maia D. Bellon

**SIGNATURE**

**TITLE**

Director, Washington State Department of Ecology

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: August 24, 2016**  
**TIME: 8:46 AM**

**WSR 16-17-144**

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	<u>11</u>	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____