



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do NOT use for expedited rule making

Agency: Department of Ecology AO#15-08

Subject of possible rule making: Ecology is proposing to amend the Oil Spill Contingency Planning rule (Chapter 173-182 WAC). This rulemaking will:

- Update definitions to ensure clarity and consistency with existing federal regulations.
- Clarify the Worst Case Discharge calculation for pipelines.
- Create a new pipeline geographic information planning standard which will use geo-referenced data to support preparedness planning and initial decision making during pipeline oil spills.
- Enhance our existing air monitoring requirements for pipelines to ensure safety of oil spill responders and the general public.
- Enhance our spills to ground requirements to ensure rapid aggressive and well-coordinated responses to spills to ground which could impact ground water.
- Update our pipeline planning standard requirements to ensure equipment required is appropriate for the environments pipelines may impact.
- Expand the Best Achievable Protection (BAP) Review Cycle to facilities and pipelines.
- Other changes to clarify language and make any corrections needed.

Statutes authorizing the agency to adopt rules on this subject: See Attachment A

Reasons why rules on this subject may be needed and what they might accomplish: The rule was last updated for pipelines in 2006. At that time the pipeline planning standards were developed to align with the marine terminal standards. In Washington pipelines exist in both marine and inland areas. After several years of implementing the rule we have identified the need to update our standards to ensure that required oil spill response equipment is appropriate for the pipeline risks and operating environments (marine and inland).

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:
See Attachment B

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) This rulemaking is to amend an existing rule. During the rulemaking process, Ecology will share draft

language, and seek input and expert advice from stakeholders—including representatives from the oil industry, environmental groups, Tribes, and state and federal agencies. Ecology will prepare press releases, focus sheets and other explanatory materials for distribution to mailing and email lists. In addition, information will be posted on our website that details the process and opportunities for involvement. Ecology will seek comments on a preliminary draft prior to issuing a formal proposed rule. After a formal proposed rule has been released Ecology will hold at least two public hearings to solicit comments prior to rule adoption.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Ecology intends to involve stakeholders and interested parties through an open and collaborative process. Ecology has established a list-serve and website which will be used to provide stakeholders and interested parties with updates on the process.

Website: <http://www.ecy.wa.gov/programs/spills/rules/main.html>

Listserv: <http://listserv.wa.gov/cgi-bin/wa?A0=SPILLS-PROGRAM>

Sonja Larson, WA Department of Ecology Spills Program

PO Box 47600

Phone 360-407-6682, FAX 360-407-7288

Olympia, WA 98504

E-mail sonja.larson@ecy.wa.gov

DATE
9/11/2015

NAME (TYPE OR PRINT)

Dale Jensen

SIGNATURE

TITLE
Spills Prevention, Preparedness, and Response Program
Manager

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 11, 2015

TIME: 10:27 AM

WSR 15-19-052

Attachment A:

Statutes authorizing the agency to adopt rules on this subject:

Ecology has broad authority under Chapter 90.56 RCW to adopt rules for oil spill prevention and preparedness. RCW 90.56.201 authorizes Ecology to adopt rules and “periodically revise standards for the preparation of contingency plans.” A new section was added to chapter 90.56 RCW during the 2015 legislative session authorizing Ecology to conduct periodic rule updates on facility (including pipeline) standards to ensure we maintain Best Achievable Protection in contingency plans.

Attachment B:

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

The United States Coast Guard, Environmental Protection Agency (EPA), Pipeline and Hazardous Materials Safety Administration, Utilities Transportation Commission, and the States of Oregon and Idaho broadly regulate many of the same entities that will be impacted by this rulemaking. Ecology will notify and engage stakeholders through several mechanisms including workshops to ensure that we receive their input and advice, as well as, ensure that our standards are compatible and coordinated with existing federal and state standards.