**PROPOSED RULE MAKING**

**CR-102 (December 2017)**
*(Implements RCW 34.05.320)*

*Do NOT use for expedited rule making*

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<table>
<thead>
<tr>
<th>Agency</th>
<th>Department of Ecology AO #18-04</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑ Original Notice</td>
<td>☐ Supplemental Notice to WSR</td>
</tr>
<tr>
<td>☑ Continuance of WSR 19-12-113</td>
<td>☑ Preproposal Statement of Inquiry was filed as WSR 18-24-127; or</td>
</tr>
<tr>
<td>☐ Expedited Rule Making--Proposed notice was filed as WSR</td>
<td>☐ Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or</td>
</tr>
<tr>
<td>☐ Proposal is exempt under RCW</td>
<td></td>
</tr>
</tbody>
</table>

**Title of rule and other identifying information:** (describe subject) Ecology proposes to amend Chapter 173-186 WAC, Oil Spill Contingency Plan - Railroad. This chapter requires railroads carrying oil as cargo to plan for oil spills to include how to make notifications and have the appropriate equipment and trained personnel to respond to spills that may occur.

We are filing this notice for an additional webinar we are holding on Monday July 15, 2019 at 6:00 PM. We had technical difficulties at the webinar held on July 10, 2019.

We are also extending the comment period. Comments are now due Friday July 26, 2019.

**Hearing location(s):**

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Location (be specific)</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>7/15/2019</td>
<td>6:00 pm</td>
<td>Webinar</td>
<td>Ecology is holding a second webinar due to technical difficulties with the originally scheduled webinar. To join the meeting online from your computer, tablet or smartphone: <a href="https://global.gotomeeting.com/join/768465573">https://global.gotomeeting.com/join/768465573</a> You can also dial in using a phone: United States: (312) 757-3121 Access Code: 768-465-573 There will be a presentation on the rule update and a question and answer session, followed by the hearing.</td>
</tr>
</tbody>
</table>

**Date of intended adoption:** 11/6/2019 *(Note: This is NOT the effective date)*

**Submit written comments to:**

Name: Nhi Irwin

Address: Department of Ecology
Spill Prevention, Preparedness, and Response Program
300 Desmond Drive SE (Parcel delivery)
Lacey, WA 98503
OR
PO Box 47600 (US Postal)
Olympia, WA 98502

Email: Submit comments by mail, online, or at the hearing(s).
Fax: N/A
Other: Online: [http://cs.ecology.commentinput.com/?id=NYeZQ](http://cs.ecology.commentinput.com/?id=NYeZQ)

By (date) 7/26/2019
**Assistance for persons with disabilities:**
Contact: Contact Ecology's ADA Coordinator
Phone: 360-407-6831
Fax: N/A
TTY: People with speech disability may call TTY at 877-833-6341. People with impaired hearing may call Washington Relay Service at 711.
Email: ecyADAcoordinator@ecy.wa.gov
Other: N/A
By (date) 7/5/2019

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

**Reasons supporting proposal:**

**Statutory authority for adoption:** RCW 90.56.210 Contingency plans.

**Statute being implemented:** RCW 90.56.210 Contingency plans.

**Is rule necessary because of a:**

- Federal Law? □ Yes □ No
- Federal Court Decision? □ Yes □ No
- State Court Decision? □ Yes □ No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** N/A

**Name of proponent:** (person or organization) Department of Ecology □ Private □ Public ☒ Governmental

**Name of agency personnel responsible for:**

<table>
<thead>
<tr>
<th>Drafting</th>
<th>Implementation</th>
<th>Enforcement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Office Location</td>
<td>Phone</td>
</tr>
</tbody>
</table>

**Is a school district fiscal impact statement required under RCW 28A.305.135?**

□ Yes □ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
Is a cost-benefit analysis required under RCW 34.05.328?
☐ Yes: A preliminary cost-benefit analysis may be obtained by contacting:
Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:
☐ No: Please explain:

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:
This rule proposal, or portions of the proposal, may be exempt from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):
☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.
Citation and description:
☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.
☐ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.
☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:
☐ RCW 34.05.310 (4)(b) (Internal government operations)
☐ RCW 34.05.310 (4)(c) (Incorporation by reference)
☐ RCW 34.05.310 (4)(d) (Correct or clarify language)
☐ RCW 34.05.310 (4)(e) (Dictated by statute)
☐ RCW 34.05.310 (4)(f) (Set or adjust fees)
☐ RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)
☐ This rule proposal, or portions of the proposal, is exempt under RCW ______.
Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES
If the proposed rule is not exempt, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?
☐ No Briefly summarize the agency's analysis showing how costs were calculated. ______
☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:
Name:
Address:
Phone:
Fax:
TTY:
Email:
Other: