



PROPOSED RULE MAKING

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

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 11, 2019

TIME: 12:03 PM

WSR 19-15-037

Agency: Department of Ecology AO #18-04

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR 19-12-113

- Preproposal Statement of Inquiry was filed as WSR 18-24-127 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _____; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or
- Proposal is exempt under RCW _____.

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):

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

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>
 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: ecyADAACoordinator@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:

Name	Office Location	Phone
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Drafting:

Implementation:

Enforcement:

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:

Email:

Other:

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)(e)
(Dictated by statute)

RCW 34.05.310 (4)(c)
(Incorporation by reference)

RCW 34.05.310 (4)(f)
(Set or adjust fees)

RCW 34.05.310 (4)(d)
(Correct or clarify language)

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:

Date: July 11, 2019	Signature: 
Name: Polly Zehm	
Title: Deputy Director	