



# 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: August 21, 2019

TIME: 11:52 AM

WSR 19-17-095

Agency: Department of Ecology AO #18-10

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR 19-16-147

- Preproposal Statement of Inquiry was filed as WSR 19-02-085 ; 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 is proposing to amend the Oil Spill Contingency Plan Rule (Chapter 173-182 WAC). This chapter requires regulated vessels, facilities, and pipelines that handle or transport oil to have an approved plan in place for responding to oil spills. Oil spill contingency plans include information about how to make notifications and contract for the appropriate equipment and trained personnel to respond to spills that may occur.

We are filing this notice to inform the public of an additional public hearing (webinar) we are holding on Thursday September 26, 2019 at 6:00 PM.

The comment period has not changed. Comments are due October 6, 2019.

### Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
September 26, 2019	6:00 pm	Webinar	<p>Ecology is providing an additional opportunity to provide comments on the rulemaking.</p> <p>To join the meeting online from your computer, tablet or smartphone: <a href="https://global.gotomeeting.com/join/696815493">https://global.gotomeeting.com/join/696815493</a></p> <p>You can also dial in using a phone: United States: +1 (571) 317-3122 Access Code: 696-815-493</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:** December 18, 2019 (Note: This is **NOT** the **effective** date)

### Submit written comments to:

Name: Sonja Larson  
 Address: Department of Ecology  
 Spills 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=V6ATc>

By (date) October 6, 2019

**Assistance for persons with disabilities:**

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](mailto:ecyADACoordinator@ecy.wa.gov)

Other: N/A

By (date) September 15, 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, RCW 88.46.060 Contingency plans.

**Statute being implemented:** RCW 90.56.210, RCW 88.46.060 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

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:

- |   |  |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)<br>(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)<br>(Dictated by statute)   |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> RCW 34.05.310 (4)(f)<br>(Set or adjust fees)  |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> RCW 34.05.310 (4)(g)<br>((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: N/A

<b>Date:</b> August 21, 2019	<b>Signature:</b>  <i>Bari Schreiner</i>
<b>Name:</b> Bari Schreiner	
<b>Title:</b> Agency Rules Coordinator/ Rules and Accountability Section Manager	