PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017)
(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

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DATE: October 21, 2026
TIME: 7:36 AM

WSR 26-21-088

Agency: Department of Ecology AO #26-11

Subject of possible rule making: Ecology is announcing a rulemaking to create a new rule, chapter 173-188 WAC, Liquid Hazardous Substance Transfers. This rulemaking will establish spill prevention requirements for over-water transfers of liquid hazardous substances to or from non-recreational vessels.

This rulemaking will include, but not be limited to, the following topics:

- Define the regulated entities subject to requirements for over-water transfers of liquid hazardous substances to or from non-recreational vessels
- Define which liquid hazardous substances are regulated under this chapter
- Establish requirements for advance notice of transfer, personnel qualifications, transfer operations, transfer equipment, spill cleanup, inspections, communications, and records for entities conducting over-water transfers of liquid hazardous substances

Statutes authorizing the agency to adopt rules on this subject: chapter 90.48 RCW, Water Pollution Control, and chapter 90.56 RCW, Oil and Hazardous Substance Spill Prevention and Response.

Reasons why rules on this subject may be needed and what they might accomplish: This rulemaking is necessary to close regulatory gaps in over-water transfers of liquid hazardous substances and provide clarity for regulated entities as non-oil fuels become available. The rule will help protect Washington's waters, natural and cultural resources, and significant economic assets through requirements aimed at preventing spills of liquid hazardous substances before they occur.

This rule focuses on preventing spills from liquid hazardous substance transfers. Prevention is of particular importance for these transfers, since some of the products potentially regulated by this rulemaking mix completely or partially with water and are not recoverable once spilled. Prevention of spills is our best chance to minimize impacts on human health and the environment.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The U.S. Coast Guard (Northwest District, Sector Puget Sound, and Sector Columbia River) regulates related subjects. Ecology intends to directly communicate with this federal agency throughout the rulemaking process, keep them informed at major rulemaking milestones through traditional public engagement channels, and consider any comments they may provide on any preliminary draft rules or proposed rules.

Ecology has requested consultation from the Washington State Office of the Attorney General on this rulemaking, as is standard practice.

Other state agencies that may have an interest in this rule but do not directly regulate its subjects include Washington State Labor and Industries, Washington State Department of Natural Resources, Washington State Department of Fish and Wildlife, and Puget Sound Partnership. Ecology intends to keep these state agencies informed at major rulemaking milestones through traditional public engagement channels and consider any comments they may provide on any preliminary draft rules or proposed rules.

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

☐ Negotiated rule making
☐ Pilot rule making
☐ Agency study
☒ Other (describe) Ecology will follow the standard process for the adoption of rules under the Administrative Procedures Act (Chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

(If necessary)

Name: Alex Colletti	Name:
Address: Department of Ecology Spill Prevention, Preparedness, and Response Program P.O. Box 47600 Olympia, WA 98504-7600	Address:
Phone: 360-407-6351	Phone:
Fax: N/A	Fax:
TTY: For Washington Relay Service or TTY, call 711 or 877-833-6341	TTY:
Email: spillsrulemaking@ecy.wa.gov	Email:
Web site: https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-188	Web site:
Other: Sign up to receive email notices at https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_394	Other:

Additional comments: Interested parties can stay informed about the rulemaking and public involvement opportunities as described above. Ecology will extend an offer for government-to-government consultation with Tribal governments during each phase of rule development.

Ecology will conduct an Environmental Justice Assessment in accordance with RCW 70A.02.060 as a part of this rulemaking.

Date: October 21, 2026	**Signature:**
Name: Carlos Clements	
Title: Spill Prevention, Preparedness, and Response Program Manager	