



# 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: January 02, 2019

TIME: 9:22 AM

WSR 19-02-085

**Agency:** Department of Ecology AO # 18-10

**Subject of possible rule making:** Ecology is proposing to amend the Oil Spill Contingency Plan Rule (Chapter 173-182 WAC) to implement Engrossed Second Substitute Senate Bill (E2SSB) 6269 passed in 2018. This rulemaking will:

- Establish requirements for review and approval of Spill Management Teams including entities providing wildlife rehabilitation and recovery services.
- Enhance requirements for readiness for spills of oils that, depending on their chemical properties, environmental factors (weathering), and method of discharge, may submerge or sink.
- Update drill requirements to reflect legislative direction.
- Update planning standards to align vessel and facility requirements and ensure best achievable protection is maintained in contingency plans.
- Enhance planning standards for oiled wildlife response.
- Make other edits to address inconsistent or unclear direction in the rule, or other administrative edits.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 90.56.005, RCW 90.56.050, RCW 88.46.060 and RCW 88.46.120, RCW 88.46.068, RCW 88.46.0601 and RCW 90.56.2101

**Reasons why rules on this subject may be needed and what they might accomplish:** Rule revisions are needed to address legislative direction that came out of the 2018 session that requires a rule update by December 31, 2019. Legislative direction from E2SSB 6269 directed Ecology to update our contingency plan rule to enhance preparedness for spills of non-floating oils, require facilities to participate in large scale multi-plan holder drills, and require spill management teams to apply to and be approved by Ecology in order to be cited in contingency plans.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** We will share information and coordinate rulemaking activities with the following agencies: United States Coast Guard, Environmental Protection Agency, Pipeline and Hazardous Materials Safety Administration, National Oceanic and Atmospheric Association, Washington Utilities and Transportation Commission, Washington Department of Fish and Wildlife, United States Fish and Wildlife, Oregon Department of Environmental Quality, and California Office of Spill Prevention and Response.

**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 Procedure 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:**

Name: Sonja Larson	(If necessary) Name: N/A
Address: Department of Ecology Spills Prevention, Preparedness and Response Program PO Box 47600 Olympia, WA 98504	Address:
Phone: 360-407-6682	Phone:
Fax: N/A	Fax:

TTY: People with speech disability may call TTY at 877-833- 6341. People with impaired hearing may call Washington Relay Service at 711.

Email: [sonja.larson@ecy.wa.gov](mailto:sonja.larson@ecy.wa.gov)

Email:

Web site: <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-182>

Web site:

Other: For updates about this rulemaking join our listserv - [SPILLS-PROGRAM@LISTSERV.WA.GOV](mailto:SPILLS-PROGRAM@LISTSERV.WA.GOV)

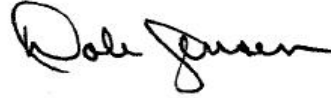
Other:

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.

**Date:** January 2, 2019

**Signature:**

**Name:** Dale Jensen



**Title:** Spills Prevention, Preparedness and Response Program Manager