



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: December 12, 2019

TIME: 3:10 PM

WSR 20-01-097

**Agency:** Department of Ecology AO #18-04

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) January 18, 2020 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:** Ecology is adopting amendments to Chapter 173-186 WAC, Oil Spill Contingency Plan – Railroad. This chapter requires railroads carrying bulk oil as cargo to plan for oil spills to include how to make notifications, and to have the cleanup equipment and trained personnel to respond to spills that may occur. This rulemaking will:

- Establish three types of railroads for planning and scale requirements according to RCW 90.56.210.
- Establish requirements for citing Spill Management Teams including entities providing wildlife rehabilitation and recovery services.
- Enhance requirements for readiness for spills of oils that may weather and sink.
- Update drill requirements to reflect legislative direction.
- Include other edits to address inconsistent or unclear direction in the rule.

**Citation of rules affected by this order:**

New:  
 Repealed:  
 Amended: Chapter 173-186 WAC  
 Suspended:

**Statutory authority for adoption:** RCW 90.56.210 Oil And Hazardous Substance Spill Prevention And Response

**Other authority:** N/A

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 19-15-037 on July 11, 2019 (date).

Describe any changes other than editing from proposed to adopted version:

- Throughout the rule, in all places where the term is used, replaced the words “wildlife response provider or WRP” with “wildlife response service provider or WRSP” in order to be consistent with similar regulatory standards applicable to other regulated oil handlers in Chapter 173-182 WAC.
- In Sections **WAC 173-186-210** and **WAC 173-186-602 Binding Agreement** corrected the incorrect form number for the Binding Agreement to read form number ECY 070 612.
- In Section **WAC 173-186-510 Type and Frequency of Drills** changed the name of the “Multiplan holder deployment drill” to “Multiplan holder large scale equipment deployment drill” in order to be consistent with similar regulatory standards in Chapter 173-182 WAC.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Nhi Irwin  
 Address:  
 Department of Ecology  
 Spill Prevention, Preparedness, and Response Program  
 Olympia, WA 98504-7600

Phone: (360) 407-7039  
 Fax: N/A  
 TTY: 711, for deaf or hard of hearing: 877-833-6341 (Washington Relay Service)  
 Email: SpillsRuleMaking@ECY.WA.GOV  
 Web site: https://ecology.wa.gov/  
 Other: N/A

**Note: If any category is left blank, it will be calculated as zero.  
 No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
 A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	<u>15</u>	Amended	<u>15</u>	Repealed	<u>4</u>

**The number of sections adopted at the request of a nongovernmental entity:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted on the agency's own initiative:**


New	___	Amended	___	Repealed	___
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted using:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

<b>Date Adopted:</b> 12/12/19	<b>Signature:</b> 
<b>Name:</b> Maia D. Bellon	
<b>Title:</b> Director	