

## Response to Comments Summary

Response to public comments submitted for the 12 month rulemaking phase-in period for WAC 173-182

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As part of the review and approval process for oil spill contingency plans, the public is given an opportunity to review the plans and provide comments. For the 12 month rulemaking phase-in period for WAC 173-182, contingency plans were posted for public comment for 60 days. Ecology thanks all those who provided comments. The following is a responsiveness summary to all comments submitted to Ecology.

Contingency Plan Name	Commenter Name/Organization(s)	Comment	Ecology's Response
All Plans	Letter on NFO Response from San Juan's, The Lands Council, Washington Environmental Council, Friends of the Earth, Seattle Aquarium, Evergreen Islands, Olympic Environmental Council, Wild Fish Conservancy, and Sierra Club.	Both the MSRC PRC application and the NRC PRC application identify only "contractual relationships" or "Letters of Intent from selected Vendors" that include "as-available" personnel and equipment that may be appropriate for a non-floating oil spill response. Ecology should require the contingency plans or their PRCs to identify dedicated personnel in sufficient numbers to assess, detect, delineate, and recover non-floating oil spills in the required timeframes; and specifically, the deployment of the non-floating oil spill response capabilities listed in WAC 173-182-324 (2). Further, the dedicated personnel and equipment necessary for non-floating oil response capabilities within twenty-four hours of spill notification should be required to be based in Washington State.	Contracts, letters of intent, and mutual aid agreements establish relationships between companies which allow us to validate the plan holders ability to meet the planning standards. We are reviewing the contract terms but not mandating specific terms. We cannot direct plan holders to contract with specific companies because this would provide an unfair business advantage to one company over another. Additionally, with our shared Columbia River waters and proximity to Oregon, requiring in state personnel and equipment could slow responses in some of our response areas. Response time requirements are based on time of arrival in-state or on-scene. As long as those requirements are met, they will meet the planning standards.
All Plans	Letter on NFO Response from San Juan's, The Lands Council, Washington Environmental Council, Friends of the Earth, Seattle Aquarium, Evergreen Islands, Olympic Environmental Council, Wild Fish Conservancy, and Sierra Club.	Several plan holders do not identify the non-floating oils, as defined in WAC 173-182-324, that are included in their contingency plans.	Ecology also noted this issue in several of the contingency plans. In collecting data to determine which oils may submerge or sink because their densities are heavier than water or may become denser the longer they remain in the water, we reviewed the types of oil listed in Washington-approved oil spill plans, the conditions encountered in the many types of Washington waterways, as well as lessons learned from historical spills. We used information from "Advance notice of Transfer" data, oil spill contingency plans (oil types and properties), the Northwest Regional/Area Contingency plans, contractor certification guidance and technical reference documents to identify these oil types: crude oils, heavy fuel oils, vacuum gas oil, used and waste oils, asphalt and asphalt products.  Our review identified that some plans do not provide sufficient or accurate product lists, and some plans have not properly identified their non-floating oils. Ecology will not approve a contingency plan until it meets the regulations.
All Plans	Letter on NFO Response from San Juan's, The Lands Council, Washington Environmental Council, Friends of the Earth, Seattle Aquarium, Evergreen Islands, Olympic Environmental Council, Wild Fish Conservancy, and Sierra Club.	Ecology should require each contingency plan to include details on their compliance with the one-hour response requirement and a narrative describing the personnel and resources for all stages of non-floating oil spill response: assess, detect, delineate, and recover.	Ecology also noted this issue in several of the contingency plans. No plan will be approved until they adequately detail the process initiating the one hour planning standard and evaluating the potential for the oil to sink as well as addressing the various stages of a non-floating oil response as prescribed by WAC 173-182-324.
All Plans	Letter on NFO Response from San Juan's, The Lands Council, Washington Environmental Council, Friends of the Earth, Seattle Aquarium, Evergreen Islands, Olympic Environmental Council, Wild Fish Conservancy, and Sierra Club.	While both the MSRC PRC application and the NRC PRC application provide lists of response equipment for non-floating oil spills, we are concerned that the non-floating oil spill response resources are insufficient to address state requirements as well as the risk of multiple spills within the state. Please provide information on which plan holders have service agreements for non-cascadable resources (resources that are restricted as to location rather than available for cascading to other locations) and which contingency plans do not. Ecology should require plan holders to have PRC contracts that are named as a non-cascadable resource.	Equipment and storage requirements are based on based on a contingency plan's worst case spill volume. Ecology does not have the authority or mandate to impose additional resource requirements on a single plan based on the possibility of a multi-plan spill.
All Plans	Letter on NFO Response from San Juan's, The Lands Council, Washington Environmental Council, Friends of the Earth, Seattle Aquarium, Evergreen Islands, Olympic Environmental Council, Wild Fish Conservancy, and Sierra Club.	Ecology's oversight of the implementation of the updates to the non-floating oil spill response requirements in WAC 173-182-324 must require those industries that could cause non-floating oil spills to fully comply with state regulations	No plan will be approved until it adequately addresses the various stages of a non-floating oil response as prescribed by WAC 173-182-324.
All Plans	Letter on NFO Response from San Juan's, The Lands Council, Washington Environmental Council, Friends of the Earth, Seattle Aquarium, Evergreen Islands, Olympic Environmental Council, Wild Fish Conservancy, and Sierra Club.	The 23 contingency plans rely upon their PRCs for compliance with WAC 173-182-324. The Marine Spill Response Corporation (MSRC) is the PRC for thirteen of the 23 contingency plans, the NRC is the PRC for eight of the 23 contingency plans, and two contingency plans use both the MSRC and NRC. We are concerned that none of the contingency plans fully complies with Ecology's guidance document, Non-Floating Oil Guidance; none of the contingency plans via either the MSRC or the NRC fully complies with state requirements; and none of the contingency plans demonstrate preparedness for a non-floating oil spill response.	No plan will be approved until it adequately addresses the various stages of a non-floating oil response as prescribed by WAC 173-182-324.
All Plans	Letter on NFO Response from San Juan's, The Lands Council, Washington Environmental Council, Friends of the Earth, Seattle Aquarium, Evergreen Islands, Olympic Environmental Council, Wild Fish Conservancy, and Sierra Club.	Both the MSRC and the NRC PRC applications state their compliance with U.S. Coast Guard requirements regarding non-floating oil spill response preparedness. However, Washington State's oil spill contingency planning requirements exceed federal requirements. It is concerning that both the NRC PRC application and the MSRC PRC application do not expressly state that they can be cited for compliance with WAC 173-182-324. Contingency plan holders should be required to have contracts or service agreements with Primary Response Contractors that explicitly state that they can be cited for compliance with all relevant Washington Administrative Codes	Plan holders are responsible for meeting all federal and state requirements and, per WAC 173-182-230 (3)(a), must state the requirements intended to be met by the plan. They may use multiple contractors, as well as company owned equipment and personnel to meet these standards. Only approved PRCs can be cited in contingency plans to meet the WACs. PRCs are responsible for meeting standards described in Part 4 of WAC 173-182. Through the implementation of our state regulation we are focusing on west coast personnel and equipment resources for non-floating oils detection and recovery (1-24 hrs). The federal OSRO classifications identify resources across the US which may be cascaded into our area to support a responses. We requested that PRCs include details about their federal OSRO classification, as applicable, to further support the description of the their personnel resources and equipment availability.
All Plans	Letter on Wildlife Response from San Juan's, Olympic Environmental Council, Citizens for a Healthy Bay, Washington Environmental Council, Sierra Club, The Humane Society of the United States, San Juan Islanders for Safe Shipping, UW Center for Conservation Biology, Wild Orca, Seattle Aquarium, Sound Action, Center for Biological Diversity, Orca Network, The Lands Council, The Whale Museum, RE Sources, Friends of the Earth, Whale and Dolphin Conservation, Orca Behavior Institute, and Natural Resources Defense Council.	All the contingency plans reference the Northwest Area Contingency Plan (NWACP); however, a citation without sufficient narrative is not useful. Ecology should require that all contingency plans include a comprehensive narrative for wildlife response that covers assessment, reconnaissance, deterrence, capture, stabilization, and rehabilitation for all the types of wildlife likely to be found within the areas where the plan holder operates or transits.	Ecology also noted this issue in several of the contingency plans. No plan will be approved until they include a narrative which adequately addresses the various phases of a wildlife response for the types of wildlife likely to be found within the areas where the plan holder operates or transits. This includes assessment, reconnaissance, deterrence, capture, stabilization, and rehabilitation per WAC 173-182-540.
All Plans	Letter on Wildlife Response from San Juan's, Olympic Environmental Council, Citizens for a Healthy Bay, Washington Environmental Council, Sierra Club, The Humane Society of the United States, San Juan Islanders for Safe Shipping, UW Center for Conservation Biology, Wild Orca, Seattle Aquarium, Sound Action, Center for Biological Diversity, Orca Network, The Lands Council, The Whale Museum, RE Sources, Friends of the Earth, Whale and Dolphin Conservation, Orca Behavior Institute, and Natural Resources Defense Council.	The contingency plans and the PRC or WRSP applications do not document the wildlife response personnel "that can identify whales, which may include southern resident killer whales" as required in WAC 173-182-540 (2)(b)(ii). Further, the contingency plans and the PRC or WRSP applications do not document compliance with WAC 173-182-540 (2)(c).	Ecology has also noticed this issue in some of the contingency plans and will be addressing this in our comments to the plan holders. No plan will be approved until it includes contact information for people and assets capable of providing aerial and field reconnaissance of whales, and access to equipment and personnel for wildlife deterrence. WAC 173-182-540 (2)(d), which requires equipment and personnel for whale monitoring and deterrence operations, will be required at the 24-month phase-in date of January 18, 2022. The current wildlife requirements under review include WAC 173-182-540 (1), (2)(a), (b), (c), (e), (f), (3), and (4). Additional updates are required to be submitted in January of 2022 to meet the SRKW reconnaissance and deterrence requirements. Those updates will be posted for a 30 day public review and comment period.
All Plans	Letter on Wildlife Response from San Juan's, Olympic Environmental Council, Citizens for a Healthy Bay, Washington Environmental Council, Sierra Club, The Humane Society of the United States, San Juan Islanders for Safe Shipping, UW Center for Conservation Biology, Wild Orca, Seattle Aquarium, Sound Action, Center for Biological Diversity, Orca Network, The Lands Council, The Whale Museum, RE Sources, Friends of the Earth, Whale and Dolphin Conservation, Orca Behavior Institute, and Natural Resources Defense Council.	Most of the contingency plans rely, via their PRC, on one Wildlife Response Service Provider: Focus Wildlife. We have serious concerns that this framework of a contract-within-a-contract that contingency plans rely upon to meet state regulations underfunds a critical oil spill response resource. Please provide information on how Focus Wildlife is being compensated for their contracts with MSRC and NRC and whether the funding that Focus Wildlife receives is commensurate with the fact that most of the contingency plans rely on Focus Wildlife's wildlife response services.	Ecology is not involved with the financial agreements that exist between contracting parties. Because Ecology is not involved in these contract negotiations, we do not have access to this information.
All Plans	Letter on Wildlife Response from San Juan's, Olympic Environmental Council, Citizens for a Healthy Bay, Washington Environmental Council, Sierra Club, The Humane Society of the United States, San Juan Islanders for Safe Shipping, UW Center for Conservation Biology, Wild Orca, Seattle Aquarium, Sound Action, Center for Biological Diversity, Orca Network, The Lands Council, The Whale Museum, RE Sources, Friends of the Earth, Whale and Dolphin Conservation, Orca Behavior Institute, and Natural Resources Defense Council.	The dedicated Focus Wildlife staff members that are based in Washington State are not sufficient for the number of plan holders that rely upon Focus Wildlife to comply with state law.	Focus Wildlife is currently one of three organizations approved to be a Wildlife Service Provider in Washington State. It is our hope that this number will increase over time, reducing the reliance on these organizations. Regarding dedicated staff, it is not always financially feasible for a company to retain staff on a permanent basis so they often rely on a bank of on-call and standby personnel that are capable of assisting during a response.

All Plans	Letter on Wildlife Response from San Juan's, Olympic Environmental Council, Citizens for a Healthy Bay, Washington Environmental Council, Sierra Club, The Humane Society of the United States, San Juan Islanders for Safe Shipping, UW Center for Conservation Biology, Wild Orca, Seattle Aquarium, Sound Action, Center for Biological Diversity, Orca Network, The Lands Council, The Whale Museum, RE Sources, Friends of the Earth, Whale and Dolphin Conservation, Orca Behavior Institute, and Natural Resources Defense Council.	The existing spill response resources are insufficient to address state requirements as well as the risk of multiple spills within the state.	Mandated planning standards for equipment and response times are routinely evaluated by Ecology. Deficiencies are addressed through this process. However, contingency plans are evaluated based on a plan's worst case volume. Ecology does not have the authority to impose additional resource requirements on a single plan based on the possibility of a multi-plan spill.
All Plans	Letter on Wildlife Response from San Juan's, Olympic Environmental Council, Citizens for a Healthy Bay, Washington Environmental Council, Sierra Club, The Humane Society of the United States, San Juan Islanders for Safe Shipping, UW Center for Conservation Biology, Wild Orca, Seattle Aquarium, Sound Action, Center for Biological Diversity, Orca Network, The Lands Council, The Whale Museum, RE Sources, Friends of the Earth, Whale and Dolphin Conservation, Orca Behavior Institute, and Natural Resources Defense Council.	Plan holders should be required to identify all the wildlife response personnel, with all the necessary permits, sufficient to fill all wildlife response field operations and incident command positions without duplication. Ecology should require each PRC and WRSP to have dedicated personnel based in Washington State for each of the positions that are required to be capable of arriving on-scene within twenty-four hours of spill notification.	Plan holders are required to contract with a Washington State Approved Wildlife Response Service Providers (WRSP) to meet the wildlife response personnel requirements detailed in the rule. The names of individuals with permits and the roster of personnel, including the likely roles they may fill in support of a wildlife response, are detailed in the approved WRSP application. Expertise in this field is limited. In order to ensure team depth and expertise on this important tactic, WRSPs identify several folks that do not live in WA but may cascade into the area to support responses. We are excited for the depth of expertise we have seen during our review of WRSP applications. We are also looking forward to building our pool of local trained personnel through drills, exercises, and volunteer trainings.
All Plans	Letter on Wildlife Response from San Juan's, Olympic Environmental Council, Citizens for a Healthy Bay, Washington Environmental Council, Sierra Club, The Humane Society of the United States, San Juan Islanders for Safe Shipping, UW Center for Conservation Biology, Wild Orca, Seattle Aquarium, Sound Action, Center for Biological Diversity, Orca Network, The Lands Council, The Whale Museum, RE Sources, Friends of the Earth, Whale and Dolphin Conservation, Orca Behavior Institute, and Natural Resources Defense Council.	Contingency plan holders should be required to have contracts or service agreements with Primary Response Contractors and Wildlife Response Service Providers that explicitly state that the Primary Response Contractor or Wildlife Response Service Provider can be cited for compliance with all relevant Washington Administrative Codes.	Plan holders may contract with PRCs, WSRPs, and SMTs for equipment and personnel in support of the plan holder meeting their planning standards. Under our rule a "Contract or letter summarizing contract terms" means: (a) A written contract between a plan holder and a primary response contractor, spill management team, wildlife response service provider, or other provider, or proof of cooperative membership that identifies and ensures the availability of specified personnel and equipment within stipulated planning standard times; or (b) A letter that summarizes the contract terms: Identifies personnel, equipment and services capable of being provided by the primary response contractor, spill management team, wildlife response service provider, or other provider, within stipulated planning standard times; acknowledges that the primary response contractor or other provider commits the identified resources in the event of an oil spill. The plan review process assures contracts meet these standards. Only approved PRCs, WSRPs, and SMTs can be cited in a contingency plan. The approved applications further document and support the mobilization, training, and readiness of the contractor resources. The plan holder is ultimately responsible to meet the required planning standards through company and/or contracted personnel and equipment.
All Plans	Letter on Wildlife Response from San Juan's, Olympic Environmental Council, Citizens for a Healthy Bay, Washington Environmental Council, Sierra Club, The Humane Society of the United States, San Juan Islanders for Safe Shipping, UW Center for Conservation Biology, Wild Orca, Seattle Aquarium, Sound Action, Center for Biological Diversity, Orca Network, The Lands Council, The Whale Museum, RE Sources, Friends of the Earth, Whale and Dolphin Conservation, Orca Behavior Institute, and Natural Resources Defense Council.	Ecology's oversight of the implementation of the updates to the wildlife response requirements in WAC 173-182-540 must require those industries that could cause a major oil spill to comply with state regulations and adequately fund the protections needed to ensure the Southern Residents' survival in the event of an oil spill.	Regarding funding, the state requires (RCW 90.56.210) onshore and offshore facilities to have a contingency plan for the containment and cleanup of oil spills from the facility into the waters of the state and for the protection of fisheries and wildlife, shellfish beds, natural resources, and public and private property from such spills. These facilities are required to be capable, in terms of personnel, materials, and equipment, of promptly and properly, to the maximum extent practicable, remove oil and minimize any damage to the environment resulting from a spill. The spiller is financially responsible for cleanup activities.
All Plans	Letter on Wildlife Response from San Juan's, Olympic Environmental Council, Citizens for a Healthy Bay, Washington Environmental Council, Sierra Club, The Humane Society of the United States, San Juan Islanders for Safe Shipping, UW Center for Conservation Biology, Wild Orca, Seattle Aquarium, Sound Action, Center for Biological Diversity, Orca Network, The Lands Council, The Whale Museum, RE Sources, Friends of the Earth, Whale and Dolphin Conservation, Orca Behavior Institute, and Natural Resources Defense Council.	The contingency plans do not adequately mitigate this serious risk to the Southern Residents; none of the contingency plans fully complies with state requirements; and none of the contingency plans complies with Ecology's guidance document, Planning standards for wildlife response (WAC 173-182-540).	The contingency plans are currently being evaluated for compliance with the 12 month phase-in period. This phase-in period only includes the wildlife requirements under WAC 173-182-540 (1), (2)(a), (b), (c), (e), (f), (3), and (4). Regulations under WAC 173-182-510 (2)(b) will be phased in at 18 months (July 18, 2021). Regulations under WAC 173-182-540 (2)(d) will be phased in at 24 months (by January 18, 2022).
All Plans	Letter on Wildlife Response from San Juan's, Olympic Environmental Council, Citizens for a Healthy Bay, Washington Environmental Council, Sierra Club, The Humane Society of the United States, San Juan Islanders for Safe Shipping, UW Center for Conservation Biology, Wild Orca, Seattle Aquarium, Sound Action, Center for Biological Diversity, Orca Network, The Lands Council, The Whale Museum, RE Sources, Friends of the Earth, Whale and Dolphin Conservation, Orca Behavior Institute, and Natural Resources Defense Council.	Focus Wildlife does not identify the types of resources that could be useful or necessary for Southern Resident Killer Whale reconnaissance and deterrence operations such as a VOO (Vessels of Opportunity) program or access to aerial surveillance assets. Ecology should ensure that the contingency plans clearly identify and fund the reconnaissance and deterrence operations necessary to protect Southern Resident Killer Whales from an oil spill.	The current wildlife requirements under review include WAC 173-182-540 (1), (2)(a), (b), (c), (e), (f), (3), and (4). WAC 173-182-540 (2)(d), which requires equipment and personnel for whale monitoring and deterrence operations, will be required at the 24-month phase-in date of January 18, 2022. The updates to meet the SRKW reconnaissance and deterrence requirements will be posted for a 30 day public review and comment period at that time.
All Plans	Letter on Wildlife Response from San Juan's, Olympic Environmental Council, Citizens for a Healthy Bay, Washington Environmental Council, Sierra Club, The Humane Society of the United States, San Juan Islanders for Safe Shipping, UW Center for Conservation Biology, Wild Orca, Seattle Aquarium, Sound Action, Center for Biological Diversity, Orca Network, The Lands Council, The Whale Museum, RE Sources, Friends of the Earth, Whale and Dolphin Conservation, Orca Behavior Institute, and Natural Resources Defense Council.	The wildlife response equipment and personnel identified to meet the state's requirements could be deployed to out-of-state oil spill response operations. Please provide information on which plan holders have service agreements for non-cascadable resources (resources that are restricted as to location rather than available for cascading to other locations) and which contingency plans do not. Ecology should require plan holders to have PRC and WRSP contracts that are named as a non-cascadable resource.	Through our rules and the BC States Task Force work we acknowledge that the Pacific coastal regions unique sensitive environments, cultural, and economic resources are benefited by a rapid, aggressive, and well-coordinated response system with effective mutual aid and equipment cascading policies. The Washington oil spill contingency planning regulations (WAC 173-182 and WAC 173-186) establish baseline personnel and equipment planning standards applicable to regulated contingency plan holders (vessels, facilities, pipelines and railroads). In the event of a major spill, Ecology commits to providing mutual aid to the Pacific States-British Columbia Taskforce Member Agencies by offering state IMT personnel and equipment support as well as facilitating the cascading of primary response contractor resources (PRC/OSRO) homebased in Washington.  The regulations define benchmark equipment requirements and a process for evaluating oil spill contingency planning standards. Under the regulations, response contractors must notify Ecology within 24 hours of a change in their response readiness (equipment out of service or a request to move equipment for a large spill) and provide both a schedule for the prompt return of the plan to full operational status and identify the potential need to backfill key equipment. Our planning standard model can be used to rapidly evaluate requests for aid and facilitate decision-making. Once a specific mutual aid request is submitted to Ecology we evaluate the impact of the equipment move with the goal of maximizing the amount of assistance that can be provided. After approval we will document any agreed upon equipment backfills and prevention measures, track the return of the equipment, and collect performance information or lessons learned.
All Plans	Cris Courter	Do everything possible to prevent oil spills. The research has already been done as to the flow patterns of water through the San Juan Islands and they would be devastated and wildlife and ecology completely destroyed if there is a spill in the Georgia Straits. Have plans ready that are effective, not just to get by, in case of a spill. Do your due diligence with an intent of mortal justice not just the letter of the law.	Ecology is committed to preventing and planning for oil spills to the maximum extent possible, as allowed by our guiding rules and regulations. We review each contingency plan with careful attention to ensure there is an adequate plan in place to respond to a spill. We also implement a rigorous exercise schedule to help ensure the response community is prepared to respond to a spill.
Andeavor Anacortes Refinery	Letter from Washington Environmental Council, The Lands Council, Evergreen Islands, Friends of the San Juan's, Friends of the Earth, Re Sources, Citizens for a Healthy Bay	The plan confirms contracted access with MSRC as a PRC to provide Wildlife Response Service Provider (WRSP) response needs. The MSRC PRC confirms that "MSRC maintains a dedicated contractual agreement with Focus Wildlife International Ltd. (Focus Wildlife) of Anacortes, WA." However, the plan fails to provide details about access to equipment, personnel, permits, materials, and supplies, for conducting wildlife response operations in accordance with WAC 173-182-540(2), (3), and (4).	Andeavor Anacortes has a current contract with Focus Wildlife, through MSRC, to meet these requirements. MSRC and Focus have demonstrated, through a previous application process, that they meet the requirements of WAC 173-182-540. Nonetheless, Ecology has requested a more extensive discussion of how wildlife operations will be conducted.
Andeavor Anacortes Refinery	Letter from Washington Environmental Council, The Lands Council, Evergreen Islands, Friends of the San Juan's, Friends of the Earth, Re Sources, Citizens for a Healthy Bay	Andeavor Anacortes Refinery's receipt of Tar Sands crude or diluted bitumen from Canada via the Trans Mountain/Puget Sound Pipeline (a non-floating oil) is of particular concern to us. As required by WAC 173-182-230, this contingency plan update includes a listing in Figure C.1, of all the "petroleum products handled at the wharf" and highlights the non-floating and potentially non-floating oils in the table. Of the petroleum products listed at wharf, crude oil is listed as Oil Group Number 2. It is unclear whether that crude oil is Dilbit, bitumen, Low American Petroleum Institute Oil (LAPIO), or Alaska crude which are listed as non-floating oils by WAC 173-182-030(31) required to be identified and included in the new definition of non-floating oil. Also, in reviewing this contingency plan update and Shell's Puget Sound Refinery contingency plan update, we find an inconsistency in how crude oil is classified. In this plan crude oil falls into Group Number 2 while in the Shell Puget Sound Refinery plan update crude falls into Group Number 3.	Crude oils can vary greatly, and thus be placed into different categories (or groups) based on their chemical and physical properties. Regardless, Ecology defines all crude oils as having the potential to submerge or sink. While Ecology does not regulate or comment on the names that the industry may use for their products, we do require contingency plan holders to list the characteristics of products carried. Ecology determined that these plans adequately provide the oil characteristics for the products carried.

Andeavor Anacortes Refinery	Letter from Washington Environmental Council, The Lands Council, Evergreen Islands, Friends of the San Juan's, Friends of the Earth, Re Sources, Citizens for a Healthy Bay	Section 5.7 in the plan indicates that a Wildlife Response Plan has not been developed. This should be of significant concern to Ecology and the community as a response plan needs to be in place now and before Ecology approves the updated contingency plan. This section also states that "specifics regarding wildlife rescue and rehabilitation are covered in Appendix B.10." Appendix B.10 has very little information for each individual planning standard. Section 5.7 and Appendix B.10 cannot merely be referenced in the plan to meet WAC 173-182-540 requirements.	Ecology agrees that a more extensive discussion of wildlife operations was warranted. Ecology has requested more information on descriptions of how wildlife response will be initiated and conducted, including narratives on the steps in the assessment phase to determine impacts, development of a reconnaissance plan, evaluation of deterrence and capture options, field stabilization, and rehabilitation/release.
Andeavor Anacortes Refinery	Letter from Washington Environmental Council, The Lands Council, Evergreen Islands, Friends of the San Juan's, Friends of the Earth, Re Sources, Citizens for a Healthy Bay	Section 6.4.10 of the contingency plan provides only a vague description and narrative that lacks an hourly timeframe, details for personnel and the resources that will be deployed for all stages of a non-floating oil spill response (assess, detect, delineate and recover). The plan and MRCS fail to include a short description for how the plan holder will initiate the 1 hour non-floating oil assessment and consultation including WHO is responsible for initiating the assessment and how the potential for the oil to sink or submerge will be evaluated, Detection and Delineation within 6-12 hours of the oil on the bottom or suspended in the water column, Sampling within 12-24 hours to assess the impact of the spilled oil on the environment, and within 12-24 hours the arrival of recovery equipment necessary to recover oil from the bottom and shoreline. Including this time framework with specific details would be extremely useful and very important for responders to know what is needed.	Ecology agrees that the plan does not meet the requirement for the one-hour response standard. We are asking Andeavor Anacortes to describe how, within one hour of a spill, an initial assessment and consultation will be conducted to determine the potential for the spilled oil to submerge or sink. This description should explain who is responsible for initiating the assessment and how the NFO potential will be evaluated. Their plan will not be approved until they provide more information to meet the requirements of 173-182-324.
Andeavor Anacortes Refinery	Letter from Washington Environmental Council, The Lands Council, Evergreen Islands, Friends of the San Juan's, Friends of the Earth, Re Sources, Citizens for a Healthy Bay	Section 6.3.1, "Fish and Wildlife," in the plan provides information about the various species found in the area including whales, ground fish, shellfish, forage fish, salmonids, marine mammals, and birds. Section 6.3.1 should not be referenced at all and fails to meet any of the planning standards for wildlife response, WAC 173-182-540.	Ecology agrees that this plan does not meet the requirements of WAC 173-182-540. We have asked the plan holder to include a description of how their wildlife response will be initiated and conducted, including initial assessment, development of a reconnaissance plan, evaluation of deterrence and capture options, field stabilization, and rehabilitation/release. No contingency plan will be approved until it sufficiently meets all components of WAC 173-182-540.
Andeavor Anacortes Refinery	Letter from Washington Environmental Council, The Lands Council, Evergreen Islands, Friends of the San Juan's, Friends of the Earth, Re Sources, Citizens for a Healthy Bay	It is unclear whether the plan and MSRC PRC adequately comply with WAC 173-182-540(3), "The plan holder shall have contracted access to wildlife response service provider personnel that are appropriately trained to staff and manage the wildlife response within an incident command structure. At a minimum, one person that could have arrived in state within the first twelve hours of spill notification to coordinate..."	Ecology approved MSRC's PRC application on December 3, 2020 after a public comment period. MSRC and Focus have demonstrated that they meet the requirements of WAC 173-182-540. Both organizations have submitted applications to Ecology and have been approved.
Andeavor Anacortes Refinery	Letter from Washington Environmental Council, The Lands Council, Evergreen Islands, Friends of the San Juan's, Friends of the Earth, Re Sources, Citizens for a Healthy Bay	The plan fails to include water reconnaissance as called for in WAC 173-182-540(2)(a), particularly important given the proximity of the plan holder's refinery to water. The plan relies only on "aerial overflights, the use of Unmanned Aerial Systems, and field reports..."	Ecology has requested a more detailed narrative for their wildlife response, including development of a reconnaissance plan
Andeavor Anacortes Refinery	Letter from Washington Environmental Council, The Lands Council, Evergreen Islands, Friends of the San Juan's, Friends of the Earth, Re Sources, Citizens for a Healthy Bay	The plan fails to meet the WAC 173-182-540(f) requirement for wildlife rehabilitation facilities: "Wildlife rehabilitation facilities, space, and equipment suitable to conduct wildlife rehabilitation activities. Wildlife rehabilitation facilities shall meet the WDFW rehabilitation requirements detailed in WAC 220-450-100. The plan holder must have access under contract or other approvable means (emphasis added) to wildlife rehabilitation spaces and necessary supporting supplies and equipment as described below. The facility spaces and equipment must have the capability to be strategically placed to support the response within twenty-four hours of spill notification. The facility space must meet the following minimum requirements:..."	Ecology has requested a more extensive discussion of how wildlife operations will be conducted. Andeavor Anacortes has contracted Focus Wildlife, through MSRC, to meet the wildlife equipment and personnel requirements. MSRC and Focus have demonstrated that they meet the requirements of WAC 173-182-540.
Andeavor Anacortes Refinery	Letter from Washington Environmental Council, The Lands Council, Evergreen Islands, Friends of the San Juan's, Friends of the Earth, Re Sources, Citizens for a Healthy Bay	The description of Southern Resident Killer Whales inaccurately states on page 6-6, "Winter and early spring movements for this population are generally unknown; however, killer whales are not normally observed in the Salish Sea during this time." Southern Resident Killer Whales' presence in the Salish Sea occurs year-round. Data compiled by Orca Behavior Institute during the month of February 2021 clearly show both Southern Resident and Biggs killer whales in the Salish Sea during the winter. Please see sightings map below. In the same section, Section 6.3.1 Fish and Wildlife, the plan fails to list Biggs killer whale population as a marine mammal that occurs in the study area.	Ecology has requested that the plan holder update their description regarding the presence of Southern Resident Killer Whales.
Andeavor Anacortes Refinery	Letter from Washington Environmental Council, The Lands Council, Evergreen Islands, Friends of the San Juan's, Friends of the Earth, Re Sources, Citizens for a Healthy Bay	Section B.10 in the plan fails to provide a description of, and commitment to comply with federal, state and NWACP permits and requirements for wildlife response and rehabilitation. This section defers responsibility to government agencies without providing: 1.) "Responsibility for the management and supervision of the capture, transport, cleaning drying, rehabilitation and release of oiled marine wildlife resources rests with the Washington State Department of Fish and Wildlife (WDFW), and other responsible agencies (e.g. U.S. Fish and Wildlife and National Marine Fisheries Service)"; 2.) "Responsibility for the capture, transport, cleaning, rehabilitation, and release of oiled marine mammals rests with the government agencies" and 3.) "If the responsible government agencies decide to conduct offshore capture operations, they will be carried out by teams of State Fish and Wildlife and USFWS personnel." [pages B-5 and B-5 in plan]	Ecology requested clarification of the support the responsible party will provide to Unified Command for a wildlife response during a spill. The request to the plan holder was as follows: "Please clarify statements such as "responsibility for the capture, transport...and release of oiled marine mammals rests with the government agencies" (pg. B-4) to indicate that such actions take place within the Unified Command of a response. As currently written the language could indicate that portions of a wildlife response will occur outside of Unified Command without the support of the responsible party. A Wildlife Branch will be established within the Operations Section to manage all wildlife-related activities in accordance with the Northwest Area Contingency Plan. RP and their contracted personnel will be used to staff necessary positions within the branch, which will be under the direction of a Branch Director. Editing this language in your plan will help show your commitment to conducting your wildlife response in accordance with federal, state, and NWACP permits and requirements."
Andeavor Anacortes Refinery	Letter from Washington Environmental Council, The Lands Council, Evergreen Islands, Friends of the San Juan's, Friends of the Earth, Re Sources, Citizens for a Healthy Bay	See also comments sent March 9, 2021 from Friends of the San Juan's, Olympic Environmental Council, Citizens for a Healthy Bay, Washington Environmental Council, Sierra Club, The Humane Society of the United States, San Juan Islanders for Safe Shipping, UW Center for Conservation Biology, Wild Orca, Seattle Aquarium, Sound Action, Center for Biological Diversity, Orca Network, The Lands Council, The Whale Museum, RE Sources, Friends of the Earth, Whale and Dolphin Conservation, Orca Behavior Institute, and Natural Resources Defense Council.	Ecology's response to this letter is included in this document.
Andeavor Anacortes Refinery	Letter from Washington Environmental Council, The Lands Council, Evergreen Islands, Friends of the San Juan's, Friends of the Earth, Re Sources, Citizens for a Healthy Bay	Figure 3.3 (M) does not exist in the contingency plan. It is unclear what this citation references and its usage here fails to meet any of the planning standards for wildlife response, WAC 173-182-540. Figure 3.3 in the plan is the Notification Summary And Documentation Form	Figure 3.3, Section M provides contact information for Focus Wildlife, the plan holder's contracted WRSP through MSRC.
Andeavor Anacortes Refinery	Letter from Washington Environmental Council, The Lands Council, Evergreen Islands, Friends of the San Juan's, Friends of the Earth, Re Sources, Citizens for a Healthy Bay	The contingency plan cannot solely rely on the Northwest Area Contingency Plan, Section 9412- Non-Floating Oils Spill Response. The contingency plan must include an explicit narrative and description that is realistic and useful to responders in addition to referencing the NWACP and/or PRCs.	Reference to the NWACP is encouraged because the tools and information it contains has been developed and vetted by the Northwest spill response community. We agree that a useful narrative in the contingency plan is also an important component. Ecology has provided a boilerplate narrative for plan holders to use in meeting the non-floating oil requirement. Ecology will not approve any contingency plan until they fully meet the updated regulations.
Andeavor Anacortes Refinery	Letter from Washington Environmental Council, The Lands Council, Evergreen Islands, Friends of the San Juan's, Friends of the Earth, Re Sources, Citizens for a Healthy Bay	The plan holder and MRSC PRC fail to meet entire sections in WAC 173-182-540(2)(b)(i) and (2)(c) and (2)(d) that require, within 12 hours of a spill the locating and deterring of whales, including Southern Resident killer whales, from encountering the oil spill area. The plan fails to include contact information for a single vessel operator as required by WAC 173-182-540 (2)(d) which states: "The plan shall include contact information for a list of vessels, which may be whale watching vessels, which have been vetted, trained, and equipped to support killer whale deterrent operations." Stating that "MSRC Vessels of Opportunity contracts are available for review at the MSRC Pacific Region office in Everett, WA" in the MSRC (F3) is insufficient.	The due date for additional requirements such as information and resources on whale reconnaissance, monitoring, and deterrence is January 18, 2022 (WAC 173-182-130). We will review related material after that submission date.
Andeavor Anacortes Refinery	Letter from Washington Environmental Council, The Lands Council, Evergreen Islands, Friends of the San Juan's, Friends of the Earth, Re Sources, Citizens for a Healthy Bay	Figure C.1 is titled "Petroleum Products Handled at the Wharf." Does that mean the table only lists petroleum products that are unloaded and loaded at the refinery's wharf? Or does it include petroleum products entering the facility via rail and pipeline? If the plan holder neglects to include the latter, the contingency plan fails to adequately address those petroleum products.	We have confirmed with the company that "petroleum products handled at the wharf" includes all products handled at the facility. Their terminology will be updated in the next plan update.
Andeavor Anacortes Refinery	WDFW	"State Agencies"/"Washington State Department of Fish and Wildlife Oil Spill Response Team (Hotline)". Recommend editing text to read "Washington Department of Fish and Wildlife, Oil Spill Team (24/7 pager)". Edit number to read "(360) 534-8233".	Ecology appreciates your comment. This edit has been requested of the plan holder.
Andeavor Anacortes Refinery	WDFW	"State Agencies"/"Washington State Department of Fish and Wildlife". This is a general information switch board that is unlikely to be of any use during a response. Recommend deleting this item.	Ecology appreciates your comment. This edit has been requested of the plan holder.
Andeavor Anacortes Refinery	WDFW	1st para. Recommend editing text to explain that a resource at risk summary (including federal and state listed species) may also be found within Chapter 6 of the North Puget Sound Geographic Response Plan.	Ecology appreciates your comment. This edit has been requested of the plan holder.
BP Cherry Point Refinery	Friends of the San Juans, Washington Environmental Council, The Lands Council, Citizens for a Healthy Bay, RE Sources, Friends of the Earth, and Evergreen Islands.	Please require all personnel identified for responding within 24 hours to be dedicated and based in WA State.	Ecology appreciates your comment. We have found that all personnel identified for responding within 24 hours are based in WA State.
BP Cherry Point Refinery	Friends of the San Juans, Washington Environmental Council, The Lands Council, Citizens for a Healthy Bay, RE Sources, Friends of the Earth, and Evergreen Islands.	The MSRC Letter of Intent / Proof of Membership in Attachment 4.11-1 is only valid through December 31, 2020. Please require BP to provide a valid updated PRC application. Additionally, please require the BP Cherry Point Refinery's contract or service agreement with MSRC to explicitly state that MSRC can be cited for compliance with all relevant WA State WACS.	Ecology has asked BP Cherry Point Refinery to replace the expired letter with a current one when they submit revisions.
BP Cherry Point Refinery	Friends of the San Juans, Washington Environmental Council, The Lands Council, Citizens for a Healthy Bay, RE Sources, Friends of the Earth, and Evergreen Islands.	The MSRC Letter of Intent / Proof of Membership in Attachment 4.11-1 is only valid through December 31, 2020. Please require BP to provide a valid updated PRC application. Additionally, please require the BP Cherry Point Refinery's contract or service agreement with MSRC to explicitly state that MSRC can be cited for compliance with all relevant WA State WACS.	Ecology has asked BP Cherry Point Refinery to replace the expired letter with a current one when they submit revisions.
BP Cherry Point Refinery	Friends of the San Juans, Washington Environmental Council, The Lands Council, Citizens for a Healthy Bay, RE Sources, Friends of the Earth, and Evergreen Islands.	The MSRC Letter of Intent / Proof of Membership in Attachment 4.11-1 is only valid through December 31, 2020. Please require BP to provide a valid updated PRC application. Additionally, please require the BP Cherry Point Refinery's contract or service agreement with MSRC to explicitly state that MSRC can be cited for compliance with all relevant WA State WACS.	Ecology has asked BP Cherry Point Refinery to replace the expired letter with a current one when they submit revisions.

BP Cherry Point Refinery	Friends of the San Juans, Washington Environmental Council, The Lands Council, Citizens for a Healthy Bay, RE Sources, Friends of the Earth, and Evergreen Islands.	Section 7.4, Drills, states: Response drills are necessary to evaluate the effectiveness of the response plan and the preparedness of response personnel by testing under simulated conditions. Consequently, the Cherry Point Refinery will conduct a variety of announced notification and equipment deployment drills or focused workshops, during the year to both test the refinery's preparedness to respond to spills and to comply with the various state and federal mandates promulgated in 33 CFR 154, 40 CFR 112, and WAC 173-182. (emphasis added) Please conduct an Ecology initiated unannounced drill to evaluate the effectiveness of this response plan and the preparedness of response personnel.	Ecology requires the refinery to conduct at least three drills per year. Ecology puts considerable time and effort into the planning and evaluation of these drills. It is our goal to ensure the contingency plans are strong and used effectively by the plan holders. A fourth drill may be required depending on the refinery's performance in the other three drills. In addition to these, the US Coast Guard can conduct Government-Initiated Unannounced Exercise at any time.
BP Cherry Point Refinery	Friends of the San Juans, Washington Environmental Council, The Lands Council, Citizens for a Healthy Bay, RE Sources, Friends of the Earth, and Evergreen Islands.	Please require all personnel needed to support in-situ burning operations within 24 hours to be dedicated and based in WA State.	MSRC's PRC Application states that resources are capable of arriving within 12 hours following notification, as is required by the rule. Ecology cannot dictate the location of employees as long as they are able to respond within the time frames outlined in the WAC.
BP Cherry Point Refinery	Friends of the San Juans, Washington Environmental Council, The Lands Council, Citizens for a Healthy Bay, RE Sources, Friends of the Earth, and Evergreen Islands.	The MSRC Letter of Intent / Proof of Membership in Attachment 4.11-1 is only valid through December 31, 2020. Please require BP to provide a valid updated PRC application. Additionally, please require the BP Cherry Point Refinery's contract or service agreement with MSRC to explicitly state that MSRC can be cited for compliance with all relevant WA State WACs.	Thank you for your comment. Ecology has asked BP Cherry Point Refinery to replace the expired letter with a current one.
BP Cherry Point Refinery	Friends of the San Juans, Washington Environmental Council, The Lands Council, Citizens for a Healthy Bay, RE Sources, Friends of the Earth, and Evergreen Islands.	The MSRC Letter of Intent / Proof of Membership in Attachment 4.11-1 is only valid through December 31, 2020. Please require BP to provide a valid updated PRC application. Additionally, please require the BP Cherry Point Refinery's contract or service agreement with MSRC to explicitly state that MSRC can be cited for compliance with all relevant WA State WACs.	Thank you for your comment. Ecology has asked BP Cherry Point Refinery to replace the expired letter with a current one.
BP Cherry Point Refinery	Friends of the San Juans, Washington Environmental Council, The Lands Council, Citizens for a Healthy Bay, RE Sources, Friends of the Earth, and Evergreen Islands.	This c-plan does not include a list of the non-floating oils handled by the BP refinery. Section 3.8, Non-Floating Oils Response, states: While BP Cherry Point does transfer crude oils, they do not likely have chemical properties with the potential to allow the oil to submerge or sink as a result of environmental factors. While it is extremely unlikely that any oils would submerge or sink due to environmental factors, any crude oil spill should prompt an initial assessment and possible survey for submerged oil detection as outlined below. This statement makes clear that the BP Cherry Point Refinery does not expect any products that the refinery handles to submerge and/or sink. This statement raises concerns that the proactive assessment and survey operations will not be conducted. Please require this c-plan to be revised with all non-floating oils clearly identified and a clear commitment to the planning standards, with the necessary personnel and equipment capable within the time frames outlined, in WAC 173-182-324 (2).	Thank you for your comment. Ecology has asked the refinery to strengthen their NFO section in the plan, and to identify all possible NFOs on their product list using the definition of NFO provided in WAC 173-182-324.
BP Cherry Point Refinery	Friends of the San Juans, Washington Environmental Council, The Lands Council, Citizens for a Healthy Bay, RE Sources, Friends of the Earth, and Evergreen Islands.	This c-plan addresses air monitoring re: refinery workers and oil spill responder safety. This c-plan does not comply with WAC 173-182-535 (7) A description of communication methods to at-risk populations; and (8) A description of how evacuation zones and shelter-in-place criteria are established. Please require BP's c-plan to comply with the air monitoring requirements for oil spill responders and the public.	Thank you for your comment. Ecology has requested a description of the methods used to communicate with at-risk populations as well as a description of how evacuation zones and shelter-in-place criteria are established.
BP Cherry Point Refinery	Friends of the San Juans, Washington Environmental Council, The Lands Council, Citizens for a Healthy Bay, RE Sources, Friends of the Earth, and Evergreen Islands.	Section 1.3, Geographic Area of Interest, states: The geographic area covered by this plan includes the refinery proper, the NERF, the pipe way to the dock, the dock itself, and the portions of the Strait of Georgia and northeastern Puget Sound that could generally be impacted within 48 hours by a spill from the Cherry Point Refinery, the NERF, or the refinery dock, pursuant to WAC 173-182-230 (4)(c)(iv). A map of the geographic area of interest is shown in Figure 1.9-1 Cherry Point Refinery Geographic Area of Interest. Please require the BP Cherry Point Refinery and this c-plan to contract for or otherwise document that the personnel and equipment capable of the 4- and 6-hour planning standards are resident in all planning standard areas that could be impacted by a worst-case spill from the BP refinery or dock within those timeframes.	The new planning standard spreadsheet demonstrates that 51 personnel are capable of arriving on scene within four hours, and 221 personnel are capable of arriving on scene within six hours following notification. This planning standard spreadsheet will be posted with the plan for an additional 30 days before plan approval will be granted.
BP Cherry Point Refinery	Friends of the San Juans, Washington Environmental Council, The Lands Council, Citizens for a Healthy Bay, RE Sources, Friends of the Earth, and Evergreen Islands.	Please provide the new spreadsheet to the public with a 30-day public comment period before approving this c-plan.	The new spreadsheet that demonstrates the refinery's compliance with relevant planning standards will be posted with the plan for an additional 30 days before final approval.
BP Cherry Point Refinery	Friends of the San Juans, Washington Environmental Council, The Lands Council, Citizens for a Healthy Bay, RE Sources, Friends of the Earth, and Evergreen Islands.	Please require all personnel needed to provide the SMART monitoring protocols and wildlife monitoring protocols to be dedicated and based in WA State.	The plan states that it will use the monitoring protocols as dictated by the NWACP, which meets the requirement of the rule. The rule does not require specific reference to SMART monitoring.
BP Cherry Point Refinery	Friends of the San Juans, Washington Environmental Council, The Lands Council, Citizens for a Healthy Bay, RE Sources, Friends of the Earth, and Evergreen Islands.	Section 2 lists BP Cherry Point Rotational IMT Incident Commanders that are designated; however, the list doesn't state where they are based. Section 2 also lists the names of people to fill the ICS roles as specified in the table in WAC 173-182-280 (1b); however, these personnel are not identified as designated or non-designated and their location is not included. Please require all personnel identified for responding within 24 hours to be dedicated and based in WA State.	The three Incident Commanders listed in Figure 2.4-2 work at the refinery and live in the area.
BP Cherry Point Refinery	Friends of the San Juans, Washington Environmental Council, The Lands Council, Citizens for a Healthy Bay, RE Sources, Friends of the Earth, and Evergreen Islands.	HPA permits from WDFW will be required for any work conducted that affects the bed, bank, or flow of waters associated with state waters - regardless of state of the emergency. Recommend editing text to read "Permits, e.g. HPA from WDFW, may be required prior to implementing these techniques."	This edit has been requested of the plan holder. No plan will be approved until it sufficiently meets the required regulations.
BP Cherry Point Refinery	Friends of the San Juans, Washington Environmental Council, The Lands Council, Citizens for a Healthy Bay, RE Sources, Friends of the Earth, and Evergreen Islands.	HPA permits from WDFW will be required for any work conducted that affects the bed, bank, or flow of waters associated with state waters - regardless of state of the emergency. Recommend editing text to read "Permits, e.g. HPA from WDFW, may be required prior to implementing these techniques."	This edit has been requested of the plan holder. No plan will be approved until it sufficiently meets the required regulations.
BP Cherry Point Refinery	Friends of the San Juans, Washington Environmental Council, The Lands Council, Citizens for a Healthy Bay, RE Sources, Friends of the Earth, and Evergreen Islands.	Section 3.8, Non-Floating Oils Response, does not identify the personnel needed to detect, delineate, and recover a spill of non-floating oils. Please require all the necessary personnel for the deployment and operation of nonfloating oil spill response equipment capable within the time frames in WAC 173-182-324 (2) to be dedicated and based in WA State.	WAC 173-182-324 establishes planning standards that require personnel to be on-scene within certain time frames. Ecology assesses a PRC's ability to meet these time requirements through the PRC application process. MSRC successfully demonstrated their ability to meet these standards through the PRC application process. Ecology does not regulate the location of residence of contracted employees, rather their ability to respond within the time frames outlined in the WAC.
Maxum (Rainier Petroleum)	WDFW	Facilities, 1st para. This contains outdated information. WAC 173-182-540 has changed the facility planning requirements to a space rather than capacity-based standard. Recommend confirming with NRCS that they are able to meet the current facility AND PERSONNEL requirements and provide documentation of same.	Ecology agrees that the plan holder's description of their wildlife response does not meet the requirement of the rule update. We are asking them to correct this deficiency.
Maxum (Rainier Petroleum)	WDFW	Facilities, 1st para. This contains outdated information. WAC 173-182-540 has changed the facility planning requirements to a space rather than capacity-based standard. Recommend confirming with NRCS that they are able to meet the current facility AND PERSONNEL requirements and provide documentation of same.	Ecology appreciates your comment. This edit has been requested of the plan holder.
Maxum (Rainier Petroleum)	WDFW	"Scenario: Worst Case Spill"/"Wildlife Protection and Rehabilitation". This section is approximately twenty years out of date. Recommend updating.	This section is not regulated by Ecology, WAC 173-182 does not require facility's to include spill scenarios. Spill scenarios are required under the federal rule.
Maxum (Rainier Petroleum)	WDFW	"Scenario: Worst Case Spill"/"Wildlife Protection and Rehabilitation". This section is approximately twenty years out of date. Recommend updating.	WAC 173-182 does not require facility's to include spill scenarios. Spill scenarios are required under the federal rule. This section is not regulated by Ecology.
Navy Region Northwest	WDFW	requirements to a space rather than capacitybasedItem 6.a. Facilities, 1st para. This contains outdated information. WAC 173-182-540 has recently changed the facility planning standard. Recommend confirming with Focus that they can meet the current facility requirements and provide documentation of same.	Ecology appreciates your comment. This edit has been requested of the plan holder.
Navy Region Northwest	WDFW	Environmental Unit Leader", 2nd to last item. All wildlife operations, including deterrence (aka "hazing"). will be planned and conducted under the direction of the Wildlife Branch Director. Strike this line item.	Ecology appreciates your comment. This edit has been requested of the plan holder.
Navy Region Northwest	WDFW	Exhibit II-6. "WA State Department of Fish & Wildlife Oil Spill Preparedness, Response, and Restoration" Edit to read "WDFW Oil Spill Team: 360-534-8233 (24/7 Pager)"	Ecology appreciates your comment. This edit has been requested of the plan holder.
Navy Region Northwest	WDFW	Exhibit II-7. "WA State Department of Fish & Wildlife." Edit to read "WDFW Oil Spill Team: 360-534-8233 (24/7 Pager)"	Ecology appreciates your comment. This edit has been requested of the plan holder.
NuStar Energy	Citizens for a Healthy Bay, Evergreen Islands, Friends of the Earth, Friends of the San Juans, The Lands Council, and Washington Environmental Council	See also March 15, 2021 comments from Friends of the San Juan's, The Lands Council, Washington Environmental Council, Friends of the Earth, Seattle Aquarium, Evergreen Islands, Olympic Environmental Council, Wild Fish Conservancy, and Sierra Club.	Ecology's response to this letter is included in this document.
NuStar Energy	Citizens for a Healthy Bay, Evergreen Islands, Friends of the Earth, Friends of the San Juans, The Lands Council, and Washington Environmental Council	See also March 9, 2021 comments from Friends of the San Juan's, Olympic Environmental Council, Citizens for a Healthy Bay, Washington Environmental Council, Sierra Club, The Humane Society of the United States, San Juan Islanders for Safe Shipping, UW Center for Conservation Biology, Wild Orca, Seattle Aquarium, Sound Action, Center for Biological Diversity, Orca Network, The Lands Council, The Whale Museum, RE Sources, Friends of the Earth, Whale and Dolphin Conservation, Orca Behavior Institute, and Natural Resources Defense Council.	Ecology's response to this letter is included in this document.
NuStar Energy	Citizens for a Healthy Bay, Evergreen Islands, Friends of the Earth, Friends of the San Juans, The Lands Council, and Washington Environmental Council	Please provide justification for why this section of the WAC is not applicable. (173-182-330 In-Situ Burn)	It was originally determined that because NuStar is located in an area where In-Situ Burning would be very unlikely (close proximity to densely populated areas) that it was non applicable. NuStar does have response coverage that includes In-Situ Burning capabilities. In light of this comment, we have reconsidered this determination and will ask the plan holder to include this section in their plan.
NuStar Energy	Citizens for a Healthy Bay, Evergreen Islands, Friends of the Earth, Friends of the San Juans, The Lands Council, and Washington Environmental Council	The table on D-47 does not include any information on environmental factors, method of discharge, or if the product will submerge or sink when released in water. This table needs to provide this information, even if none of the products have the potential to become non-floating.	Plans are required to list all products by name, and include density, gravity, API, oil group number, and sulfur content. Ecology has requested the company to update their plan to clarify that they do not carry products that have the potential to submerge or sink.

NuStar Energy	Citizens for a Healthy Bay, Evergreen Islands, Friends of the Earth, Friends of the San Juans, The Lands Council, and Washington Environmental Council	There is no mentioned of the ability to provide SMART monitoring protocols or wildlife monitoring protocols in these sections. Please update with this information and make available for public review.	The checklist included in 5.7, taken directly from the NWACP, includes SMART monitoring protocols and wildlife monitoring protocols. The plan states it will follow the guidance of the NWACP for any dispersant use if directed by Unified Command.
NuStar Energy	Citizens for a Healthy Bay, Evergreen Islands, Friends of the Earth, Friends of the San Juans, The Lands Council, and Washington Environmental Council	The plan relies on other participating agencies to have an established Community Air Monitoring plan. In the event that no such plan exists, NuStar's protocols are to create a plan using their template in Appendix G. Given the location of the NuStar Tacoma facility is in the middle of a densely populated city center, we strongly recommend NuStar develop a CAM plan BEFORE an incident occurs. It is critical to have these plans in place to ensure the protection of public safety and health.	The rule requires that the plan includes a narrative describing how federal, state, and local laws on air monitoring will be addressed. The use of a template to create a scenario specific plan can be an effective strategy. Ecology is reviewing this company's narrative descriptions to ensure that they meet the requirements described in WAC 173-182-535.
NuStar Energy	Citizens for a Healthy Bay, Evergreen Islands, Friends of the Earth, Friends of the San Juans, The Lands Council, and Washington Environmental Council	The plan documents included over 1,500 pages to review, and even with section references, the required content was very difficult to find. This facility has the potential to release oil to Commencement Bay, the Puyallup River, other water bodies, to soil and to the air. There is a real threat to already stressed salmon runs and marine mammals, public health, and a threat to the entire tidelflat. As such, this spill contingency plan is critical to stopping and responding to spills as quickly as possible. Our comments are directed at individual improvements needed for this plan, but in addition, we expect a plan that is easily accessible and usable in the case of a release of any kind, and do not currently believe this plan does that.	This comment has been forwarded to the plan holder. This plan is in the process of a 5-year comprehensive review and will likely have format changes as a result of this update. The full updated plan will be available for public review upon completion and before approval.
NuStar Energy	WDFW	Last bullet. WAC 173-182-540 defines more specific wildlife response equipment and personnel requirements. This item should be edited to reflect concurrence with these requirements.	Ecology appreciates your comment. This edit has been requested of the plan holder.
NuStar Energy	WDFW	WAC 173-182-540 (3) also requires that the Plan holder be able to provide at least one appropriately trained person within 12 hours to staff and manage a wildlife response in the wildlife branch. Note: CRC does not have personnel in place to support these efforts directly. Confirm that a contract with an approved WRSP (Focus, IBR, or OWCN) is in place prior to approval.	Ecology appreciates your comment. This edit has been requested of the plan holder.
NuStar Energy	WDFW	WAC 173-182-540 (3) also requires that the Plan holder be able to provide at least one appropriately trained person within 12 hours to staff and manage a wildlife response in the wildlife branch. Note: NRCS does not have personnel in place to support these efforts directly. Confirm that a contract with an approved WRSP (Focus, IBR, or OWCN) is in place prior to approval.	Ecology appreciates your comment. This edit has been requested of the plan holder.
NuStar Energy	WDFW	Figure 3.2.1-2. "Washington Department of Fish and Wildlife" edit to read "Washington Department of Fish & Wildlife Oil Spill Team" with phone number to read "360-534-8233 (24/7 pager)".	Ecology appreciates your comment. This edit has been requested of the plan holder.
NuStar Energy	WDFW	Figure 3.2.2-2. "Washington Department of Fish and Wildlife" edit to read "Washington Department of Fish & Wildlife Oil Spill Team" with phone number to read "360-534-8233 (24/7 pager)".	Ecology appreciates your comment. This edit has been requested of the plan holder.
NuStar Energy	WDFW	Focus wildlife IOI letter to NRCS and associated equipment list is 11 years out of date. Recommend including updated information.	Ecology appreciates your comment. This edit has been requested of the plan holder.
NuStar Energy	WDFW	Focus Wildlife material is 13 years out of date. Recommend including updated information.	Ecology appreciates your comment. This edit has been requested of the plan holder.
Phillips 66 Ferndale Refinery	Friends of the San Juans, Evergreen Islands, Washington Environmental Council, Friends of the Earth, The Lands Council, Citizens for a Healthy Bay, and RE Sources	The Phillips 66 Refinery's c-plan focuses on air monitoring to protect oil spill responders and refinery personnel, and relies on the County Local Emergency Planning Committee (LEPC) if a public evacuation or shelter-in-place is required. This c-plan does not comply with WAC 173-182-535 either (7) "A description of communication methods to at-risk populations;" or (8) "A description of how evacuation zones and shelter-in-place criteria are established." Please require the Phillips 66 Refinery's c-plan to fully comply with all air monitoring requirements to protect refinery personnel, oil spill responders, and the public.	Ecology determined that this plan does meet WAC 173-182-535 (7) and (8) through a commitment to work closely with local emergency managers in communicating with at-risk populations and establishing shelter-in-place and evacuation zones. The plan also commits to using the DOT Emergency Response Guidebook, local and state criteria, EPA guidelines, and working within the Unified Command to evaluate health risks from airborne contaminants.
Phillips 66 Ferndale Refinery	Friends of the San Juans, Evergreen Islands, Washington Environmental Council, Friends of the Earth, The Lands Council, Citizens for a Healthy Bay, and RE Sources	Annex 1 – Section 1.6.9, Heavy Oils (Group V), does not comply with WAC 173-182-324. Group V oils are not the only non-floating oils at the Phillips 66 Refinery. For example, the Phillips 66 refinery receives Alberta Tar Sands crude oil (aka diluted bitumen) via the Trans Mountain Pipeline (Puget Sound). Please require this c-plan to be revised with all non-floating oils clearly identified and a clear commitment to the planning standards, with the necessary personnel and equipment capable within the time frames outlined, in WAC 173-182-324 (2).	Ecology also noted this deficiency. We have asked the plan holder to amend the <i>Summary of Product Characteristics</i> table to clearly indicate which products have the potential to submerge or sink, and to sufficiently address each section of WAC 173-182-324. Ecology also requested that the plan include references to the NWACP non-floating oils response tools, and the non-floating oil information in Geographic Response Plans.
Phillips 66 Ferndale Refinery	Friends of the San Juans, Evergreen Islands, Washington Environmental Council, Friends of the Earth, The Lands Council, Citizens for a Healthy Bay, and RE Sources	On May 14, 2021 Evergreen Islands, Friends of the Earth, Friends of the San Juan's, Puget Soundkeeper Alliance, RE Sources for Sustainable Communities, San Juan Islanders for Safe Shipping, Sierra Club, Stand. Earth, Washington Environmental Council, and Washington Physicians for Social Responsibility submitted similar comments on the Phillips 66 Ferndale Refinery Integrated Contingency Plan 5-Year Review, including these same comments on this same worst case spill scenario. Ecology's August 18, 2020 response stated: P66 Oil Spill Scenario- After reading your follow-up email, I called P66 and conveyed the concerns you have with their scenario. I gave them a copy of the earlier letter and they have committed to considering your concerns for the next time they update their plan. I will keep reminding them.  We are deeply concerned that none of the comments submitted on May 14, 2021 have been addressed in this update to the Phillips 66 Refinery's oil spill contingency plan. Please require the Phillips 66 Refinery and this c-plan to contract for or otherwise document that the personnel and equipment capable of the 4- and 6-hour planning standards are resident in all planning standard areas that could be impacted by an ACTUAL worst-case spill scenario from the Phillips 66 Refinery, including the refinery's dock, within those timeframes.	Ecology does not have the authority to regulate the location of residence for contracted personnel and equipment. Ecology does have a process to verify that contracted personnel and equipment are capable of arriving on-scene within the required time frames. Ecology will not approve a plan that fails to meet these planning standards.
Phillips 66 Ferndale Refinery	Friends of the San Juans, Evergreen Islands, Washington Environmental Council, Friends of the Earth, The Lands Council, Citizens for a Healthy Bay, and RE Sources	Annex 2.8 does not state whether personnel are dedicated or non-dedicated and does not include where they are based. Please require all personnel identified for responding within 24 hours to be dedicated and based in WA State.	Ecology does not have the authority to require response organizations to hire in-state personnel. Response time is measured by arrival of personnel in-state or on-scene, depending on the planning standard, and regardless of point of origin.
Phillips 66 Ferndale Refinery	Friends of the San Juans, Evergreen Islands, Washington Environmental Council, Friends of the Earth, The Lands Council, Citizens for a Healthy Bay, and RE Sources	Page A3-156 states, "Shoreline cleanup for Ferndale Refinery is performed by NRC." The NRC WA PRC Application's Attachment F-9, Shoreline Cleanup, States: NRC has a combined total of approximately 500 full and part time employees located on the West Coast. NRC Project Managers, Supervisors and Foremen, totaling over 100 on the West Coast alone, are trained in shoreline clean-up and supervision topics including... Please require the contracted shoreline clean-up workers and shoreline clean-up equipment to arrive within twenty-four hours of spill notification to be dedicated and based in WA State.	Ecology does not have the mandate or authority to direct response organizations to hire in-state personnel. Response time requirements are based on time of arrival in-state or on-scene. As long as those requirements are met, they will meet the requirement.
Phillips 66 Ferndale Refinery	Friends of the San Juans, Evergreen Islands, Washington Environmental Council, Friends of the Earth, The Lands Council, Citizens for a Healthy Bay, and RE Sources	Please require all personnel needed to support in-situ burning operations within 24 hours to be dedicated and based in WA State.	Ecology does not have the mandate or authority to direct response organizations to hire in-state personnel. Response time requirements are based on time of arrival in-state or on-scene. As long as those requirements are met, they will meet the requirement.
Phillips 66 Ferndale Refinery	Friends of the San Juans, Evergreen Islands, Washington Environmental Council, Friends of the Earth, The Lands Council, Citizens for a Healthy Bay, and RE Sources	Section 2.11.8, WA DOE Planning Standard Spreadsheets, does not appear to assess new equipment standards for 2-hour assessment and 4-hour access to specialized equipment. Please confirm compliance with WAC 173-182-355 or require this c-plan to comply with WAC 173-182-355.	Ecology finds that this plan holder, through their contracted response resources, meets the requirements of the WAC 173-182-355 for all locations where covered vessels conduct transfers. This information can be found in the planning standard spreadsheets within the contingency plan.
Phillips 66 Ferndale Refinery	Friends of the San Juans, Evergreen Islands, Washington Environmental Council, Friends of the Earth, The Lands Council, Citizens for a Healthy Bay, and RE Sources	Page A2-32 states, "Primary Response Contractor (PRC) contracts shall be available for inspection, if requested for the Department of Ecology." Section 2.11.9, Marine Spill Response Corporation (MSRC), the "MSRC OSRO Contract Renewal for Calendar Year 2020, Phillips 66," expired December 31, 2020. Further, the MSRC contract was signed September 10, 2018 which was before these contingency plan updates were required. Section 2.11.10, National Response Corporation Environmental Services (NRC-ES), states that the NRC "has a Facility Standby Services Agreement, Number 4277, with Phillips 66 Company (Phillips 66) to provide oil spill response services. Please require the plan holder to define "Facility Standby Services Agreement." Please review the Phillips 66 Refinery's PRC contracts for compliance with all current code requirements and please require the PRC contracts to explicitly state that both MSRC and NRC can be cited for compliance with all relevant WA State WACs.	Ecology has asked the refinery to replace the expired letter with a current one. Plans are not required to include a statement that their PRC can be cited for compliance with all relevant WA State WACs in their contract or service agreement. A PRCs ability to meet certain planning standards is verified through the PRC approval process. PRCs must apply and be approved by Ecology before they can be cited to meet applicable planning standards.
Phillips 66 Ferndale Refinery	Friends of the San Juans, Evergreen Islands, Washington Environmental Council, Friends of the Earth, The Lands Council, Citizens for a Healthy Bay, and RE Sources	Page A2-32 states, "Primary Response Contractor (PRC) contracts shall be available for inspection, if requested for the Department of Ecology." Section 2.11.9, Marine Spill Response Corporation (MSRC), the "MSRC OSRO Contract Renewal for Calendar Year 2020, Phillips 66," expired December 31, 2020. Further, the MSRC contract was signed September 10, 2018 which was before these contingency plan updates were required. Please review the Phillips 66 Refinery's PRC contracts for compliance with all current code requirements. Please require the PRC contract to explicitly state that MSRC can be cited for compliance with WAC 173-182-540.	Ecology has asked the refinery to replace the expired letter with a current one. Plans are not required to include a statement that their PRC can be cited for compliance with all relevant WA State WACs in their contract or service agreement. A PRCs ability to meet certain planning standards is verified through the PRC approval process. PRCs must apply and be approved by Ecology before they can be cited to meet applicable planning standards.
Phillips 66 Ferndale Refinery	Friends of the San Juans, Evergreen Islands, Washington Environmental Council, Friends of the Earth, The Lands Council, Citizens for a Healthy Bay, and RE Sources	A contract or letter with the referenced PRC summarizing coverage, dated within last 5 years and signed by the PRC. Section 2.11.9, Marine Spill Response Corporation (MSRC), the "MSRC OSRO Contract Renewal for Calendar Year 2020, Phillips 66," expired December 31, 2020. Further, the MSRC contract was signed September 10, 2018 which was before these contingency plan updates were required. Please review the Phillips 66 Refinery's PRC contracts for compliance with all current code requirements and please require the PRC contracts to explicitly state that both MSRC and NRC can be cited for compliance with all relevant WA State WACs.	Ecology has asked the refinery to replace the expired letter with a current proof of contract. Plan holders are responsible for meeting all federal and state requirements and, per WAC 173-182-230 (3)(a), must state the requirements intended to be met by the plan. They may use multiple contractors, as well as company owned equipment and personnel to meet these standards.

Phillips 66 Ferndale Refinery	Friends of the San Juans, Evergreen Islands, Washington Environmental Council, Friends of the Earth, The Lands Council, Citizens for a Healthy Bay, and RE Sources	Page A3-156 states, "Shoreline cleanup for Ferndale Refinery is performed by NRC." Page A2-32 states, "Primary Response Contractor (PRC) contracts shall be available for inspection, if requested for the Department of Ecology." Section 2.11.10, National Response Corporation Environmental Services (NRC-ES), states that the NRC "has a Facility Standby Services Agreement, Number 4277, with Phillips 66 Company (Phillips 66) to provide oil spill response services."  Please require the plan holder to define "Facility Standby Services Agreement." Please review the Phillips 66 Refinery's PRC contracts for compliance with all current code requirements. Please require the NRC PRC contract to explicitly state that the NRC can be cited for compliance with WAC 173-182-522.	Ecology has verified that NRC is capable of providing necessary shoreline cleanup equipment and personnel to meet the planning standards. Plans are not required to include a statement that their PRC can be cited for compliance with all relevant WA State WACs in their contract or service agreement. A PRC's ability to meet certain planning standards is verified through the PRC approval process. PRCs must apply and be approved by Ecology before they can be cited to meet applicable planning standards.
Phillips 66 Ferndale Refinery	Friends of the San Juans, Evergreen Islands, Washington Environmental Council, Friends of the Earth, The Lands Council, Citizens for a Healthy Bay, and RE Sources	Please conduct an Ecology initiated unannounced equipment deployment drill to evaluate the effectiveness of this response plan and the preparedness of response personnel.	Ecology reserves the right to conduct Unannounced Drills, but has no requirement to complete them on a regular basis. Unannounced Drills are also conducted by the EPA and US Coast Guard.
Phillips 66 Ferndale Refinery	Friends of the San Juans, Evergreen Islands, Washington Environmental Council, Friends of the Earth, The Lands Council, Citizens for a Healthy Bay, and RE Sources	See comments below on MSRC PRC application and service agreement and the March 9, 2021 comments from Friends of the San Juan's, Olympic Environmental Council, Citizens for a Healthy Bay, Washington Environmental Council, Sierra Club, The Humane Society of the United States, San Juan Islanders for Safe Shipping, UW Center for Conservation Biology, Wild Orca, Seattle Aquarium, Sound Action, Center for Biological Diversity, Orca Network, The Lands Council, The Whale Museum, RE Sources, Friends of the Earth, Whale and Dolphin Conservation, Orca Behavior Institute, and Natural Resources Defense Council.	Ecology's response to this letter is included in this document.
Phillips 66 Ferndale Refinery	Friends of the San Juans, Evergreen Islands, Washington Environmental Council, Friends of the Earth, The Lands Council, Citizens for a Healthy Bay, and RE Sources	The Phillips 66 Ferndale Refinery's c-plan fails to meet the "goals and criteria that ecology will use to assess whether a plan holder is prepared to respond to the maximum extent practicable to a worst case spill." (See WAC 173-182-030 Definitions (49) "Planning standards.") If the worst case scenario included adverse weather conditions with a NNE wind (the prevailing wind direction for January, according to the Climatic Information Bellingham, WA, chart on page A1-162), the spill trajectory would reach the San Juan County Planning Standard area. The worst case scenario should, at a minimum, comply with the planning standards in both WAC 173-182-355 Transfer sites for covered vessels at facilities where transfers occur, and for facilities with a vessel terminal and WAC 173-182-370 San Juan County planning standard. Note also that the 2-hour and 4-hour planning standards in WAC 173-182-355 are not included in the c-plan. See page A1-131. Please require the Phillips 66 Refinery's contingency plan to comply with the planning standards in both WAC 173-182-355 Transfer sites for covered vessels at facilities where transfers occur, and for facilities with a vessel terminal and WAC 173-182-370 San Juan County planning standard. This contingency plan addresses its compliance with WAC 173-182-510 in Annex 3. See page A3-11 that defines the "geographic area covered by this plan for oil spill" which includes islands within the San Juan County Planning Standard Area. This contingency plan should be required to reference and comply with the requirements of WAC 173-182-370 as one of the appropriate planning standards that apply to this contingency plan's operations.	Planning standards are based on the areas a plan holder operates in, not the areas where a spill can potentially reach. Ecology does not have the authority to require this plan holder to meet this requirement.
Phillips 66 Ferndale Refinery	Friends of the San Juans, Evergreen Islands, Washington Environmental Council, Friends of the Earth, The Lands Council, Citizens for a Healthy Bay, and RE Sources	Section 2.11.10, National Response Corporation Environmental Services (NRC-ES), states that the NRC "has a Facility Standby Services Agreement, Number 4277, with Phillips 66 Company (Phillips 66) to provide oil spill response services." Require the plan holder to define "Facility Standby Services Agreement." Please review the Phillips 66 Refinery's PRC contracts for compliance with all current code requirements and please require the PRC contracts to explicitly state that both MSRC and NRC can be cited for compliance with all relevant WA State WACs.	Plans are not required to include a statement that their PRC can be cited for compliance with all relevant WA State WACs in their contract or service agreement. A PRCs ability to meet certain planning standards is verified through the PRC approval process. PRCs must apply and be approved by Ecology before they can be cited to meet applicable planning standards. NRC-ES is an approved PRC.
Phillips 66 Ferndale Refinery	Friends of the San Juans, Evergreen Islands, Washington Environmental Council, Friends of the Earth, The Lands Council, Citizens for a Healthy Bay, and RE Sources	This c-plan has no information on detecting, delineating, and recovering non-floating oils and only refers to the MSRC PRC application. Please require all the necessary personnel the areas that may be impacted for the deployment and operation of non-floating oil spill response equipment capable within the time frames in WAC 173-182-324 (2) to be dedicated and based in WA State.	Thank you for your comment. Ecology has requested the plan include a narrative description for how the 1-hour non-floating oil assessment and consultation will be initiated, including who is responsible for initiating the assessment and how the potential for the oil to sink will be evaluated. Ecology also requested the plan describe the resources and personnel to detect and delineate submerged oil, and the tactics and tools available to contain and recover the oil. Ecology does not have the mandate or authority to direct response organizations to hire in-state personnel. Response time requirements are based on time of arrival in-state or on-scene. As long as those requirements are met, they will meet the requirement.
Phillips 66 Ferndale Refinery	Friends of the San Juans, Evergreen Islands, Washington Environmental Council, Friends of the Earth, The Lands Council, Citizens for a Healthy Bay, and RE Sources	Please require all personnel needed to provide the SMART monitoring protocols and wildlife monitoring protocols to be dedicated and based in WA State.	The rule does not require specific reference to SMART monitoring. However, the plan states that it will use the monitoring protocols as dictated by the NWACP, which is a recommended practice.
Phillips 66 Ferndale Refinery	Friends of the San Juans, Evergreen Islands, Washington Environmental Council, Friends of the Earth, The Lands Council, Citizens for a Healthy Bay, and RE Sources	Include all Tribes with potentially impacted Treaty Rights and/or indigenous rights in Additional Contact Information.	While this request is not explicitly stated in the rule, Ecology agrees that contacting tribal governments during a spill is an important best practice. Ecology has followed-up with the plan holder to suggest this information be included in their plan. Additionally, in the event of a spill, Ecology is committed to notifying the appropriate tribal governments and natural and cultural resource managers as soon as possible through the Environmental Unit and Liaison. These notifications do not rely on a contingency plan's notification table, but rather a set of contacts Ecology maintains internally.
Phillips 66 Pipeline	Citizens for a Healthy Bay, The Lands Council, Evergreen Islands, Friends of the Earth, Friends of the San Juans, RE Sources WA Environmental Council	The contract with MSRC PRC does not appear to meet some of the standards. Will MSRC be able to arrive within the state within the first twelve hours of spill notification? Are there appropriately trained staff? These are just two examples of the contractor and the plan holder not being able to meet planning standards or the standards are not descriptive enough.	Ecology evaluates the ability a contractor to meet certain planning standards. Ecology has determined that MSRC does meet the required planning standards for this plan.
Phillips 66 Pipeline	Citizens for a Healthy Bay, The Lands Council, Evergreen Islands, Friends of the Earth, Friends of the San Juans, RE Sources WA Environmental Council	The plan references the NWACP but does not specifically mention the SMART monitoring protocols in this section.	The rule does not require specific reference to SMART monitoring. However, the plan states that it will use the monitoring protocols as dictated by the NWACP, which is recommended practice.
Phillips 66 Pipeline	Citizens for a Healthy Bay, The Lands Council, Evergreen Islands, Friends of the Earth, Friends of the San Juans, RE Sources WA Environmental Council	The training program details are confusing, and we are concerned SMT personnel will not be aware of what training is required of them. The plan states, "It is recommended that SMT members complete ICS 100 and ICS 200 level training." We strongly urge the plan be updated to *require* SMT members to complete these trainings. On the same page, the plan goes on to list a number of trainings that should be completed by members within a reasonable timeframe upon enrollment. This contradicts the above statement that certain trainings are only recommended. Further, a "reasonable timeframe" is very subjective. We strongly recommend the plan be updated to alleviate these ambiguities and to require training within a specified timeframe after enrollment.	This edit has been requested of the plan holder.
Phillips 66 Pipeline	Citizens for a Healthy Bay, The Lands Council, Evergreen Islands, Friends of the Earth, Friends of the San Juans, RE Sources WA Environmental Council	Phillips 66 Tacoma is located within the Port of Tacoma, which sits in the city-center of a densely populated urban area. Residents living in the parcels surrounding the Port rank anywhere from a 6 to a 9 out of 10 on the Environmental Health Disparities map – meaning they face worsened health outcomes because of where they live. The extraction, processing, and combustion of fossil fuels releases dangerous pollutants into the air, including particulate matter equal to or less than 2.5 microns in width (PM2.5), nitrogen oxide, and carcinogenic volatile organic compounds (VOCs). Given the environmental burdens these communities already face due to their location, Phillips 66 should be required to notify community representatives (who should be named in the Plan) and the Tacoma-Pierce County Health Department in the event of a spill or other dangerous incident. Air monitoring is very inadequate in the document. It's not descriptive of any of the 8 planning standards in the WAC all of which begin with "A description." A community air monitoring plan needs to be in the C-Plan.	This edit has been requested of the plan holder.
Phillips 66 Pipeline	Citizens for a Healthy Bay, The Lands Council, Evergreen Islands, Friends of the Earth, Friends of the San Juans, RE Sources WA Environmental Council	Appendix 2a shows the list of ICS personnel for western Washington - 25 of these roles are listed as "TBD" Appendix 2b shows the list of ICS personnel for eastern Washington - 45 of these roles are listed as "TBD". This plan's inability to name personnel responsible for ICS roles raises concerns about the plan holder's ability to prevent and respond to a spill. Please require this c-plan to be revised with the names of personnel as required WAC 173-182-280 (1b).	This edit has been requested of the plan holder. Contingency plans will not be approved until they sufficiently meet all required regulations.
Phillips 66 Pipeline	Citizens for a Healthy Bay, The Lands Council, Evergreen Islands, Friends of the Earth, Friends of the San Juans, RE Sources WA Environmental Council	There is no description of the type and frequency of training for each SMT position in this Section. Please require this c-plan be updated with the required training information.	This edit has been requested of the plan holder. Contingency plans will not be approved until they sufficiently meet all required regulations.
Phillips 66 Pipeline	Citizens for a Healthy Bay, The Lands Council, Evergreen Islands, Friends of the Earth, Friends of the San Juans, RE Sources WA Environmental Council	There is no arrival response time listed for Subject Matter Experts (Primary Company Representatives) nor the Incident Support Team. Please update the plan with this required information.	This edit has been requested of the plan holder. Contingency plans will not be approved until they sufficiently meet all required regulations.
Phillips 66 Pipeline	Citizens for a Healthy Bay, The Lands Council, Evergreen Islands, Friends of the Earth, Friends of the San Juans, RE Sources WA Environmental Council	There is no mention of training nor equipment for in-situ burning operations in Section II-10.8. It does not meet the 5 planning standards in the WACs. It would also be clearer in the plan to specify which areas in-situ burning cannot be used in, for example, using the Eastern Washington Response Area instead of "inland" Please update the plan with this required information.	This edit has been requested of the plan holder. Contingency plans will not be approved until they sufficiently meet all required regulations.
Phillips 66 Pipeline	Citizens for a Healthy Bay, The Lands Council, Evergreen Islands, Friends of the Earth, Friends of the San Juans, RE Sources WA Environmental Council	There is essentially no narrative of the 5 planning standards for dispersants. It should also be clearer that dispersants are not allowed in the Eastern Washington Response Area.	This edit has been requested of the plan holder. Contingency plans will not be approved until they sufficiently meet all required regulations.
Phillips 66 Pipeline	Citizens for a Healthy Bay, The Lands Council, Evergreen Islands, Friends of the Earth, Friends of the San Juans, RE Sources WA Environmental Council	The plan does not explicitly state whether the plan holder handles oils that have the potential to become non-floating. It states it handles only refined products but this should be made clear. Please require this c-plan to be revised with any non-floating oils clearly identified and a clear commitment to the planning standards, with the necessary personnel and equipment capable within the time frames outlined, in WAC 173-182-324 (2).	This edit has been requested of the plan holder. Contingency plans will not be approved until they sufficiently meet all required regulations.
Phillips 66 Pipeline	Citizens for a Healthy Bay, The Lands Council, Evergreen Islands, Friends of the Earth, Friends of the San Juans, RE Sources WA Environmental Council	Where is the impact assessment, reconnaissance, deterrence, capture, stabilization and rehabilitation mentioned in a descriptive form? It doesn't appear descriptive and specific to the WACs. Also, the shorelines cleanup section needs more description on how it will be done in both the C-Plan and the MSRC PRC plan.	This edit has been requested of the plan holder. Contingency plans will not be approved until they sufficiently meet all required regulations.

Phillips 66 Pipeline	WDFW	Hazing, 1st sentence. Any/all wildlife hazing operations will only be conducted at the direction of the Wildlife Branch Director. Recommend editing this section to reflect this change.	Ecology appreciates your comment. This edit has been requested of the plan holder.
Phillips 66 Pipeline	WDFW	Table containing equipment list and associated footnotes. This information is outdated. Recommend editing to reflect updated equipment planning requirements found in 173-182-540.	Ecology appreciates your comment. This edit has been requested of the plan holder.
Phillips 66 Pipeline	WDFW	Last para. Appropriate information for distribution to the public will be provided to the JIC by the Wildlife Branch during a response. Recommend striking this paragraph.	Ecology appreciates your comment. This edit has been requested of the plan holder.
Phillips 66 Pipeline	WDFW	3rd para. This is outdated information. Recommend editing to reflect updated equipment planning requirements found in 173-182-540.	Ecology appreciates your comment. This edit has been requested of the plan holder.
Phillips 66 Pipeline	WDFW	Fish and Wildlife Resources. Maps containing predefined flight restrictions are no longer present within the GRP and should be removed from this document. Any flight restriction recommendations made during a response will be initiated from within the Environmental Unit. Recommend editing text to reflect these changes.	Ecology appreciates your comment. This edit has been requested of the plan holder.
Polar Tankers	Friends of the San Juans, Washington Environmental Council, The Lands Council, Friends of the Earth	This c-plan's section 11.0 WILDLIFE PROTECTION/REHABILITATION does not include any reconnaissance and deterrence operations for marine mammals. Polar Tankers transit the critically endangered Southern Resident Killer Whales' critical habitat. The September 3, 2020 letter from International Bird Rescue states that "The International Bird Rescue oiled wildlife response team can be deployed within 8 hours of notification." (See Vol. 1, Appendix C.1.4.) There is no information provided on what timeframes they are capable of arrival on scene.	Ecology also noted this deficiency. We asked the plan holder to include a description of how wildlife response will be initiated and conducted. We asked the plan holder to include narratives on the initial assessment phase, the development of a reconnaissance plan, evaluation of deterrence and capture options, field stabilization, and rehabilitation/release. We also asked for these narratives to be specific to the operating areas (including the species found within).
Polar Tankers	Friends of the San Juans, Washington Environmental Council, The Lands Council, Friends of the Earth	Vol. 1, Appendix C.1.5 September 25, 2020 letter from MSRC Re: Washington State Oil Spill Contingency Plan Rule, Chapter 173-182 WAC states compliance with the state's rulemaking, and also includes the signature page for the service agreement. However, the MSRC PRC application's Service Agreement (FINALIZED 10.5.20 EFFECTIVE 1.1.21) ARTICLE VII, RESPONSE PLAN CITATION, 7.1. Citation states "MSRC may be cited for the capabilities set forth in the U.S. Coast Guard ("USCG") Response Resource Inventory System ("RRI") or any replacement or successor USCG system" but is silent on citing MSRC for compliance with Washington State requirements. Washington state's oil spill contingency planning requirements exceed federal requirements. Please require Polar Tankers to have a service agreement with the MSRC or other PRC that explicitly states that they can be cited for compliance with all relevant WACs.	Ecology approved MSRC's PRC application on December 3, 2020 after a public comment period. The MSRC PRC application states: "MSRC customers may cite the information presented in the following MSRC PRC application, including appendices, in contingency plans to meet applicable Washington State planning standards."
Polar Tankers	Friends of the San Juans, Washington Environmental Council, The Lands Council, Friends of the Earth	The personnel listed in FIGURE 16.1 includes only 5 full-time staff based in WA State. Please answer this question: Are the full-time personnel also dedicated personnel? There are 14 ICS roles plus sixteen alternates specified in the table in WAC 173-182-280 (1b). If personnel can be listed two times (and why is that?), 15 people are needed to fill 30 ICS roles with alternates. Please explain how this could be achieved with the personnel listed in Figure 16.1 and please also explain how this c-plan meets the requirements of WAC 173-182-280 (3) The plan shall identify a primary and two alternate incident commander representatives that can form unified command at the initial command post, and that could arrive in state within six hours.	Ecology found the SMT roster listed in Figure 16.1 was not sufficient in its depth. The roster fails to identify three personnel for the role of Liaison Officer. At present, Figure 16.1 does not meet the requirements of WAC 173-182-280. The language in 173-182-280 (1) (b) (i) states: "Personnel may be listed a maximum of two times" and WAC 173-182-280 (1) (b) (ii) states: "Personnel filling key roles do not need to be a resident of Washington state". Under the current rule, Polar Tankers SMT roster may contain personnel outside of Washington state and each person listed on the roster may only be listed two times or fewer to ensure the depth in the roster is sufficient. It is important to note that the SMT roster provided in the Polar Tankers plan is only the minimum requirement for Washington State- Polar Tankers maintains a larger list and, per the rule, makes this list available to Ecology upon request. Finally, in Figure 16.1, all Polar Tankers personnel are listed as "dedicated" personnel, including those personnel residing in Washington State.
Polar Tankers	Friends of the San Juans, Washington Environmental Council, The Lands Council, Friends of the Earth	The Polar Tanker c-plan does not provide any info on the necessary personnel and equipment capable within the one-hour time frame (WAC 173-182-324 (2)). Further, the c-plan clearly states that the Polar Tankers' oil spill response equipment and personnel aboard the tankers would NOT meet this requirement: 16.8 RESPONSE AND PROTECTION STRATEGIES FOR SENSITIVE AREAS Polar Tankers Vessels carry spill response equipment suitable for responding to a variety of deck spills. There is very little that vessel personnel can do to contain or recover oil once it goes into the water. Vessel personnel are responsible for on-board activities including broadcasting notifications, securing the spill's source, looking after safety aspects on-board the tanker, and cleaning the vessel where practicable. Shoreside personnel are responsible for on-water and shoreside spill response operations.	Ecology has asked for additional information regarding non-floating oils to be included in the Polar Tankers plan. This information should inform the early-hours assessment required by the rule update. For this requirement, plan holders may rely on PRC support if they describe the call-out and assessment processes in their plan.
Polar Tankers	Friends of the San Juans, Washington Environmental Council, The Lands Council, Friends of the Earth	Polar Tankers cites compliance with WAC 173-182-324 via MSRC as the PRC; however, the MSRC PRC application's service agreement does not state that it can be cited for compliance with WAC 173-182-324 (see general comments below). The Polar Tanker c-plan claims that ANS crude should not be designated as a non-floating oil and that ANS crude oil will NOT submerge or sink (see section 16.8.6). Our concerns about this claim are compounded by the fact that "The Polar Tankers Incident Management Team or Spill Management Team (SMT) will be staffed by selected representatives from Polar Tankers and other ConocoPhillips entities" (see section 16.6). We are concerned that the steps required to respond to a spill of ANS crude as a potentially non-floating oil spill will not be initiated given the corporate culture, and that Polar Tankers and other ConocoPhillips entities believe that this crude oil is not a non-floating oil. This webpage contradicts the Polar Tankers c-plan's claims: <a href="https://evostc.state.ak.us/status-of-restoration/lingering-oil/">https://evostc.state.ak.us/status-of-restoration/lingering-oil/</a> Scientists studying the fate of the oil [EXXON VALDEZ ANS crude oil] estimated 20% evaporated, 50% biodegraded, 14% was cleaned up, 13% remained in subtidal sediments, 2% remained on shorelines, and less than 1% remained in the water (Wolfe et al., 1994). (emphasis added) As documented by the Exxon Valdez oil spill, ANS crude oil exhibits non-floating characteristics during weathering and incorporation of sediment particles. If a spill occurred in the Salish Sea, sediments could be incorporated into ANS crude oil by the Fraser plume or other water-borne debris.	Ecology is committed to planning for non-floating oil risks, including the risks posed by ANS crude. Crude oil (including ANS) has been identified by Ecology as an oil type with the potential to submerge or sink. Ecology has requested that Polar Tankers identify the products listed within their plan that meet Ecology's definition of NFO (this includes ANS).
Polar Tankers	Friends of the San Juans, Washington Environmental Council, The Lands Council, Friends of the Earth	Vol. 2, 16.8.30 addresses Vessels of Opportunity, not air monitoring requirements. Vol. 1, section 5 addresses air monitoring in general terms in, but does not address the requirements in WAC 173-182-535 (7) A description of communication methods to at-risk populations; and (8) A description of how evacuation zones and shelter-in-place criteria are established. Further, the MSRC PRC application only briefly addresses air monitoring in section F6 - In-situ Burning, and air monitoring is listed in Table E which "summarizes WAECY-identified training categories for which MSRC Pacific Region employees may receive training." (Emphasis added.) This c-plan states, "WSMC covers vessels operating within the navigable waters of the state of Washington with the exception of the Columbia River system." Please require Polar Tankers to thoroughly plan for air monitoring to protect oil spill responders and the public throughout all the WA State communities included in their area of coverage. These communities range from densely populated coastal cities to remote and difficult to access islands that are either sparsely populated and/or are used for recreational purposes.	Thank you for your comment. Ecology also found the plan to lack elements of the air monitoring requirements and has requested more information in the Polar Tankers contingency plan for initial site safety for responders, work area air monitoring, and communications with at-risk populations. Vol II, Section 16.8.3 contains information on Vessels of Opportunity. Vol II, Section 16.8.32 contains information on air monitoring.
Polar Tankers	Friends of the San Juans, Washington Environmental Council, The Lands Council, Friends of the Earth	The MSRC PRC application doesn't include any description of the process for detecting, delineating, and recovering non-floating oils in the areas that may be impacted. The MSRC PRC application has no information about the one-hour requirement to "initiate an assessment and consultation regarding the potential for the spilled oil to submerge or sink." - WAC 173-182-324 (2) - and no information about the personnel needed to deploy the listed equipment. The MSRC PRC application states, "MSRC Pacific Region owns and operates response equipment (see WRRL), as do certain MSRC contractors (see WRRL as appropriate) with which MSRC maintains contractual relationships for as-available spill response equipment and personnel that may be appropriate for Group V and Non-Floating Oils (NFO) oil spill response" (emphasis added). Contractual relationships for "as-available personnel and equipment that may be appropriate for a non-floating oil spill response" should not be acceptable for meeting the requirements of this WAC. See also general comments on the MSRC PRC application below. Please require the Polar Tankers c-plan to include details on their compliance with the one-hour response requirement and a narrative that identifies the equipment and the dedicated personnel in sufficient numbers to assess, detect, delineate, and recover non-floating oil spills in the required timeframes listed in WAC 173-182-324 (2).	Thank you for your comment. Ecology has requested additional information on non-floating oils be included in the Polar Tankers plan. This request was for information on the early-hours assessment required by the rule update. For this requirement, plan holders may rely on PRC support. Ecology approved MSRC's PRC application on December 3, 2020 after a public comment period.
Polar Tankers	Friends of the San Juans, Washington Environmental Council, The Lands Council, Friends of the Earth	Vol. 2, 16.8.30 addresses Vessels of Opportunity, not oil spill response on shorelines. The contract with MSRC as the PRC presumably addresses this requirement. However, the MSRC PRC Application states, "Specifically for planning purposes per WAC 173-182-522 (1) (1-a) (1-b) MSRC maintains an as-available contract with STARs (Spill Team Area An as-available contract does not comply with WAC 173-182-522 (1) (a) Plan holders must have contracted access to one hundred trained shoreline clean-up workers; and (1) (b) Plan holders must have contracted access to trained shoreline clean-up supervisors. An "as-available contract" does not meet the requirements of "contracted access." Please require Polar Tankers or their PRC to have a contract for 110 Washington State-based and full-time dedicated and trained shoreline cleanup personnel (to include 10 trained supervisors), capable of arriving within 24 hours of spill notification.	Vol II, Section 16.8.3 contains information on Vessels of Opportunity. Vol II, Section 16.8.30 contains information on shoreline cleanup. In this section of the plan, Ecology found adequate narrative and access to contracted support to meet the shoreline cleanup planning standard in WAC 173-182. Polar Tankers meets this requirement with contracts through the Marine Spill Response Corporation (MSRC) and the National Response Corporation- Environmental Services (NRCES), as stated in the plan. These PRCs have demonstrated that they can supply the personnel and equipment for the shoreline cleanup resources required by the rule.
Polar Tankers	Friends of the San Juans, Washington Environmental Council, The Lands Council, Friends of the Earth	Vol. 1, section 2 Notifications: Valdez Native Tribes are the only Tribe or First Nation listed to be contacted in this c-plan. Please require all potentially impacted Tribes, including Tribes with potentially impacted Treaty Rights, to be listed for notification in the Polar Tankers c-plan.	While this is not explicitly stated in the rule, Ecology acknowledges that contacting tribal governments during a spill is an important best practice. Ecology has followed-up with the plan holder to suggest this information be included in their plan. Additionally, in the event of a spill, Ecology is committed to notifying all relevant tribal governments and natural and cultural resource managers as soon as possible through the Environmental Unit and Liaison. These notifications do not rely on a contingency plan's notification table, but rather a set of contacts Ecology maintains internally.
REG Grays Harbor	The Lands Council Washington Environmental Council, Friends of the San Juans Citizens for a Clean Harbor, Friends of Grays Harbor	Facility does not handle Group 5 oils. Non floating oils are not mentioned in the plan	Ecology's definition of non-floating oils is not limited to oils under the Group 5 oil type. We have asked REG to identify any oils stored or handled by the facility that have the potential to submerge or sink. If they do not handle potential non-floating oils, they need to state this in their plan. We have also asked them to address the potential for palm oil to submerge or sink.
REG Grays Harbor	The Lands Council Washington Environmental Council, Friends of the San Juans Citizens for a Clean Harbor, Friends of Grays Harbor	Please see comments from Friends of the San Juan's et al, to DOE on non-floating oils dated March 15, 2021.	Ecology's response to this letter is included in this document.
REG Grays Harbor	The Lands Council Washington Environmental Council, Friends of the San Juans Citizens for a Clean Harbor, Friends of Grays Harbor	Drills section is very inadequate. For example, there is no wildlife deployment drill mentioned or a multiple plan holder large-scale equipment deployment drill mentioned as required by the WAC. The drill section needs to demonstrate all the WAC requirements and could be better organized and specific.	It is not required by the rule to list all the drills required under WAC 173-182-710, only that the facility conduct the drills listed under the rule. We do ask that the plan holder include a commitment to participate in Washington's drill program. However, we agree that if the company chooses to list the drill types required under the rule, all required drills should be included in the plan. We have asked REG Grays Harbor to update their drill list to include the wildlife deployment drill and the large-scale equipment deployment drill.

REG Grays Harbor	The Lands Council Washington Environmental Council, Friends of the San Juans Citizens for a Clean Harbor, Friends of Grays Harbor	In-situ burning is not allowed unless deemed necessary by Unified Command. There are clickable links to the NWACP and the plan states that the contractor has the ability for in-situ burning but it could provide a link to the section of the contractor NRCE's capability to provide in-situ burning.	REG cites the capabilities of their PRC to meet in-situ burning requirement. In addition, we find that NRCEs could have the resources available on-scene within twelve hours to meet the standard. We find the description of REG's in-situ burning capabilities is adequate to meet the requirements of the rule.
REG Grays Harbor	The Lands Council Washington Environmental Council, Friends of the San Juans Citizens for a Clean Harbor, Friends of Grays Harbor	Narrative description of how responder and community air monitoring occurs.	We agree that REG's description of how they will meet air monitoring requirements does not meet the rule requirement. We have asked them to include more information on air monitoring in their plan to address how the initial site safety assessment for responders will occur. In addition, we requested more detail on initial site characterization hazards, air monitoring resources (people and equipment), how air monitoring results are determined and communicated to Unified Command, a discussion of human health issues, communication methods to at-risk populations, and a description of how evacuation zones and shelter-in-place criteria are established.
REG Grays Harbor	The Lands Council Washington Environmental Council, Friends of the San Juans Citizens for a Clean Harbor, Friends of Grays Harbor	The wildlife section from 3.18 to 3.22 is inadequate given the potential damage and work that oiled wildlife may need. It essentially does not meet most of the requirements under the WAC stated in the left column. For example, there is no mention of wildlife reconnaissance, the only equipment listed is essentially just "equipment needed," and The 12 -hour capability mentioned in the WAC is not mentioned in this section. The plan has a table on A1-6 that mentions sensitive areas and species but that is not mentioned in the wildlife section, and it is not mentioned in the 3.18-3.22 section at all. The plan does not reference the GRP, either. Several species are listed in the above table, but not in the wildlife section except for generalized birds and wildlife. Wildlife responses should be more species specific and detailed. For more information on the inadequacy of this C-Plan section.  In addition, since REG is a vegetable and biodiesel facility, the C-Plan could discuss the differences if any in oiled wildlife of the above mentioned oils vs. petroleum oils. Are there different concerns with vegetable and biodiesel oils than with other oils? Maybe not, but that could be mentioned in the plan.	We agree that REG's wildlife section does not meet the requirement of the rule. We have asked them to clarify their contractual arrangement for WRSP coverage under their PRC contract with NRCEs. We have also asked them to include a more extensive discussion of how wildlife operations will be conducted, including a description of how a wildlife response will be initiated. This is to include: narratives on the activation of the Wildlife Branch, the steps in the assessment phase to determine impacts (including across borders), development of a reconnaissance plan, evaluation of deterrence and capture options, field stabilization, and rehabilitation/release. With the 18-month rule implementation phase-in requirements, contingency plans are asked to provide specific information on resources at risk, which will include specific references to area GRPs.
REG Grays Harbor	The Lands Council Washington Environmental Council, Friends of the San Juans Citizens for a Clean Harbor, Friends of Grays Harbor	Palm oil on pg. Annex 3.12 is highlighted as to the possibility of not remaining a floating oil depending on the water temperature and density relative to oil density. We encourage Ecology to have REG be more descriptive of the nature of palm oil and have a detailed plan in Version January 8, 2021 preparation for possible sinking. This is the basic reason for having C- Plans.	We have asked REG to include a narrative description for how the 1-hour non-floating oil assessment and consultation will be initiated, including who is responsible for initiating the assessment and how the potential for the oil to sink will be evaluated. Ecology also requested the plan describe the resources and personnel to detect and delineate submerged oil, and the tactics and tools available to contain and recover the it. In addition, we have asked the plan to link to the NWACP non-floating oil response tools and non-floating oil information in relevant geographic response plans
REG Grays Harbor	The Lands Council Washington Environmental Council, Friends of the San Juans Citizens for a Clean Harbor, Friends of Grays Harbor	Dispersants are not allowed in Gray's Harbor.	Yes, this is correct. REG operates in a dispersant no-use zone. Because of this, the facility is not required to meet the planning standard for dispersants.
SeaPort Sound	Citizens for a Healthy Bay, Evergreen Islands, Friends of the Earth, Friends of the San Juans, The Lands Council, and Washington Environmental Council.	Section 2.1.1 states, "Wildlife Response Service Provider (WRSP) duties are provided through subcontracts through MSRC with organizations such as Focus Wildlife." It is unclear if Focus Wildlife is a subcontractor for wildlife response services – the plan needs to be updated for clarity.	Ecology appreciates your comment. This edit has been requested of the plan holder.
SeaPort Sound	Citizens for a Healthy Bay, Evergreen Islands, Friends of the Earth, Friends of the San Juans, The Lands Council, and Washington Environmental Council.	Section 4.1 shows that unannounced drills are carried out only "as necessary." Please require an Ecology initiated unannounced drill to evaluate the effectiveness of this response plan and the preparedness of response personnel.	Ecology reserves the right to conduct Unannounced Drills, but has no requirement to complete them on a regular basis. Unannounced Drills are also conducted by the EPA and US Coast Guard.
SeaPort Sound	Citizens for a Healthy Bay, Evergreen Islands, Friends of the Earth, Friends of the San Juans, The Lands Council, and Washington Environmental Council.	See also March 9, 2021 comments from Friends of the San Juan's, Olympic Environmental Council, Citizens for a Healthy Bay, Washington Environmental Council, Sierra Club, The Humane Society of the United States, San Juan Islanders for Safe Shipping, UW Center for Conservation Biology, Wild Orca, Seattle Aquarium, Sound Action, Center for Biological Diversity, Orca Network, The Lands Council, The Whale Museum, RE Sources, Friends of the Earth, Whale and Dolphin Conservation, Orca Behavior Institute, and Natural Resources Defense Council.	Ecology's response to this letter is included in this document. Updates to the wildlife section of this plan have been requested of the plan holder.
SeaPort Sound	Citizens for a Healthy Bay, Evergreen Islands, Friends of the Earth, Friends of the San Juans, The Lands Council, and Washington Environmental Council.	There is no mention of the ability to provide SMART monitoring protocols or wildlife monitoring protocols in these sections. Please update with this information and make available for public review.	The rule does not require specific reference to SMART monitoring. However, the plan does state that it will use the monitoring protocols as dictated by the NWACP, which is recommended practice.
SeaPort Sound	Citizens for a Healthy Bay, Evergreen Islands, Friends of the Earth, Friends of the San Juans, The Lands Council, and Washington Environmental Council.	This section states, "SeaPort Sound Terminal LLC is a subsidiary of TLP Management Services, LLC. In the event of a large scale spill the Incident Commander at the Sound Terminal may call upon an away team staff that is part of TLP Management Services corporate offices located in Atlanta Georgia and Denver Colorado." The Plan needs to clarify that SeaPort Sound's local personnel are also trained and equipped to handle a large-scale spill.	The training program and SMT table provided by SeaPort demonstrate their ability to staff a larger response according to the "cascade model" of response and planning standards. It is common practice to bring in additional support from elsewhere to help support a large-scale, ongoing response. SeaPort onsite staff and their contractors are available in sufficient numbers for the early hours response.
SeaPort Sound	Citizens for a Healthy Bay, Evergreen Islands, Friends of the Earth, Friends of the San Juans, The Lands Council, and Washington Environmental Council.	Section 2.5 states, "All command level personnel will be familiar with the facility SPCC, this plan, and the NWACP policies. Training will include an understanding of the use and location of local GRPs. Refresher training is provided annually, with recertification of ICS training every five years. Personnel will also participate in drills and exercises as appropriate as a means of continued training." Command level personnel should be well-versed with the stated plans, not just "familiar." Refresher training should be required, not just made available. Command level personnel should also be required to participate in drills and exercises, not just "as appropriate." Given that "Sound does not rely on contractors as part of the facility's routine operations and as such, contractors are not considered part of the facility response team unless activated" all on-the-ground personnel should be required to participate in all trainings, drills, and exercises. Appendix 5.3 makes no mention of the information needed to ensure updates meet WAC requirements	The training program detailed in Appendix 5.3 states that refresher training is conducted annually and role-specific training is included. SeaPort staff do participate regularly in drills and exercises, including both deployment and tabletop exercises. Drills are conducted not only to test the efficacy of the plans but the adequacy of staff training. If a gap in training is observed during a drill, Ecology will require the company to do additional training. The staff training as identified in this plan meet the written requirements of the rule.
SeaPort Sound	Citizens for a Healthy Bay, Evergreen Islands, Friends of the Earth, Friends of the San Juans, The Lands Council, and Washington Environmental Council.	This section implies that asphalt is the only oil type SeaPort Sound handles that has the potential to become non-floating – this is false. SeaPort Sound has the ability to load up to 14.6 million barrels of crude oil/year through vessel and rail transfers ( <a href="https://tacomapermits.org/wp-content/uploads/2013/06/40000203722D.pdf">https://tacomapermits.org/wp-content/uploads/2013/06/40000203722D.pdf</a> ). This plan's omission of this information, particularly the chemical properties of the crude oil being handled on site, raises concerns about the plan holder's ability to prevent and respond to a spill on non-floating oils. Please require this c-plan to be revised with all non-floating oils clearly identified and a clear commitment to the planning standards, with the necessary personnel and equipment capable within the time frames outlined, in WAC 173-182-324 (2).	These updates have been requested of the plan holder.
SeaPort Sound	Citizens for a Healthy Bay, Evergreen Islands, Friends of the Earth, Friends of the San Juans, The Lands Council, and Washington Environmental Council.	SeaPort Sound Terminal is located within the Port of Tacoma, along Marine View Drive, and is just down hill from the densely-populated area of Northeast Tacoma. Residents in these parcels rank anywhere from a 6 to a 9 out of 10 on the Environmental Health Disparities map – meaning they face worsened health outcomes because of where they live. The extraction, processing, and combustion of fossil fuels releases dangerous pollutants into the air, including particulate matter equal to or less than 2.5 microns in width (PM2.5), nitrogen oxide, and carcinogenic volatile organic compounds (VOCs). Given the environmental burdens these communities already face due to their location, SeaPort Sound should be required to notify community representatives and the Tacoma-Pierce County Health Department in the event of a spill or other dangerous incident.	This plan references the relevant air monitoring sections of the NWACP, which is sufficient to meet the requirements. In the event of an oil spill, air monitoring will be sustained throughout the response and any dangerous levels will be shared with local authorities. Unified Command will also establish communication channels through the Liaison Unit to communicate to local and at-risk populations.
SeaPort Sound	Friends of the Earth, Friends of the San Juans, The Lands Council, and Washington Environmental	(7) Fish and wildlife. The table showing potential listed species in the area is not complete. Recommend referring to most current version of the CPS GRP (Ch.6) and updating this list.	Ecology appreciates your comment. This edit has been requested of the plan holder.
SeaPort Sound	WDFW	Table 4-4. "Washington Dept. of Fish and Wildlife Oil Spill Response Team". The hyperlink listed is no longer active (or needed). Recommend striking the link.	Ecology appreciates your comment. This edit has been requested of the plan holder.
SeaPort Sound	WDFW	WA Dept. of Fish & Wildlife (Oil Spill Team). The phone number listed will not reach the Spill Team. Recommend striking "360-902-2200" and keeping only the pager number.	Ecology appreciates your comment. This edit has been requested of the plan holder.
Shell Puget Sound Refinery	Washington Environmental Council, Friends of the San Juans, The Lands Council, Evergreen Islands, Friends of the Earth	The entry "See above" is non-responsive to the requirement. It fails to address the following: If non-floating oils response details are not in the plan, the plan contains a citation of the non-floating oils response tools in the NWACP. There is no reference to NWACP in Section 7.1.4 on Page 7-4 and in Section 7.1.6 on Page 7-5. There is a reference in Section 7.1.4 on Page 7-6 to Northwest Area Committee Geographic Response Plan. But isn't that different from NWACP?	Ecology has requested additional information from Shell Puget Sound Refinery- see the above response for a full description of what Ecology has required from Shell Puget Sound Refinery.
Shell Puget Sound Refinery	Washington Environmental Council, Friends of the San Juans, The Lands Council, Evergreen Islands, Friends of the Earth	The contingency plan fails to address non-floating oil types as required. Shell Puget Sound refinery's receipt of Tar Sands crude or diluted bitumen from Canada via the Trans Mountain/Puget Sound Pipeline (a non-floating oil) is of particular concern to us. As required by WAC 173-182-230, this contingency plan update includes a listing in Appendix D, Table D.3.6, of all the petroleum products handled at the Puget Sound Shell Refinery. FC HCGO is the only Group V product listed with sulfur content of sour. It is unclear which type of oil FC HCGO is meant as the plan holder provides no definition. Is it Dilbit, bitumen, Group V Residual Fuel Oils (GPVRF0), Low American Petroleum Institute Oil (LAPIO), decant, crude, asphalt, or asphalt product? All of these are listed as non-floating oils by WAC 173-182-030(31) and are required to be identified and included in the new definition of non-floating oil if the facility handles them. Furthermore, Table D.3.6 fails to include data on Viscosity and Pour Point for the petroleum products handled at the refinery. And, the plan does not accurately specify Sulfur Content for each product. Instead it categorizes sulfur content as sour or sweet based on whether the product is <.5% which may be problematic in assessing the oil spill situation.	Ecology has requested that the Shell Puget Sound Refinery identify non-floating oils in their products handled table and specify the sulfur content of each oil listed.

Shell Puget Sound Refinery	Washington Environmental Council, Friends of the San Juans, The Lands Council, Evergreen Islands, Friends of the Earth	The contingency plan does not comply with Ecology's Non-Floating Guidance Document that spells out to the plan holder what is required. The sections referenced here, Section 7.1.3 page 7-4 and Section 7.1.6 page 7-5, do not provide an accurate description and narrative on the process of detecting, delineating, and recovering non-floating oils for the specific requirements in WAC 173-182-324. The contingency plan must include an explicit narrative that is realistic and useful to responders in addition to referencing the NWACP and/or PRCs. Appendix D is a Hazard Evaluation/Risk Analysis and is insufficient to meet the requirements of WAC 173-182-324 for a detailed narrative or description of the phases, including resources and personnel and timeline, in a non-floating oils spill response. The plan and MRCS that the plan depends on, fail to include; Assessment within 1 hour if there is potential for the spill oil to submerge or sink, Detection and Delineation within 6-12 hours of the oil on the bottom or suspended in the water column, Sampling within 12-24 hours to assess the impact of the spilled oil on the environment, and within 12-24 hours the arrival of recovery equipment necessary to recover oil from the bottom and shoreline. The closest description in the contingency plan, found on page 2-39, still lacks the hourly time frame requirements. WAC 173-182-324 and Ecology's Guidance document contain a requirement to Detect and Delineate within 6-12 hours if the oil is on the bottom or suspended in the water column. The MSRC PRC plan and this contingency plan provide that equipment to locate the oil, contain the oil, recover the oil, assess impacts of the oil, and stop the discharge of oil are capable of being on the scene within 12 hours of spill notification and is cascaded by water, road and air transport. While this meets the requirement for recovery equipment to be on the scene at 12-24 hours, it does not guarantee that the detection and delineation equipment will be on scene in a timely manner to detect and delineate within 6-12 hours the status of the spilled oil. Both plans must clearly state that sonar, sampling equipment or other methods to ascertain location of spilled oil will be on site within 6 hours in order to assess within 6-12 hours.	Ecology has required that the Shell Puget Sound Refinery provide the following to meet the NFO requirement: include a letter or contract confirming Shell Puget Sound Refinery's enrollment to MSRC to Appendix B of the plan. This will satisfy the first portion of the rule requirement that plan holders have access to personnel and equipment with capabilities to respond to non-floating oils. Oils that fit the description of potentially non-floating must be called out in section D.3.6 (products list). The goal is easy identification of oils handled and stored at the refinery that have a potential to sink. Shell must update the table to list the specific sulfur content of the oils rather than merely listing them as sweet or sour. Prior rule makings had identified "Group V" oils as requiring additional personnel and equipment, but the non-floating oil standard does not limit oils that could potentially sink to Group V. When discussing the actions taken by the refinery in responding to non-floating oils (i.e. Section 2.6.4, 7.1.3, 7.1.6) we asked that they ensure that the discussion is not limited to "Group V" oils, but instead includes the expanded list of oils identified as potentially non-floating. We asked that they insure a narrative to identify how Shell Puget Sound Refinery will initiate the 1-hour non-floating oil assessment and consultation (section 2.6.4 contains some of this information, but the first hour assessment should be explicit). The narrative should include who is responsible for initiating the assessment and how the potential for the oil to sink will be evaluated--essentially, what are the questions to ask in order to identify the need for non-floating oil personnel and equipment mobilization during the cleanup effort? Finally, we asked that the plan describe a process for initial assessment and consultation regarding the potential for the spilled oil to submerge or sink, and the resources and personnel to detect and delineate the oil, tactics and tools to contain and recover the oil, and data appropriate for conducting a response to non-floating oil. The plan should also include references to the NWACP non-floating oils response tools, and the non-floating oil information in the Geographic Response Plans.
Shell Puget Sound Refinery	Washington Environmental Council, Friends of the San Juans, The Lands Council, Evergreen Islands, Friends of the Earth	The contingency plan only references the use of deterrents for waterfowl protection and rehabilitation on page 6-9: "relocation of birds from spill sites by use of deterrents and cleaning and rehabilitation of oiled birds. The use of deterrents will only be conducted under the direction of the Wildlife Branch Director." The plan holder and MRSC PRC fail to meet entire sections in WAC 173-182-540(2)(b)(i) and (2)(c) and (2)(d) meant for locating and deterring whales within 12 hours of the spill, including Southern Resident killer whales from entering oil spill area. Figure 3-1 fails to include contact information for a single vessel operator as required by WAC 173-182-540 (2)(d). It is unclear whether the plan and MSRC PRC adequately comply with WAC 173-182-540(3), At a minimum, one person that could have arrived in state within the first twelve hours of spill notification to coordinate..." Page 6-14 "MSRC meets the planning requirement for WAC 173-182-540. One or more of the regional Mobile Rehabilitation Units (MRUs) developed by the Mobile Facility Workgroup for use by Primary Response Contractors (PRC) will be used to meet the space, equipment and personnel requirements listed in the table." What table is the plan referring to? The plan holder fails to provide a citation to a specific table. Page 6-14 "In the event of a spill originating from the facility resulting in impacted wildlife, one or more MRUs (as necessary) will likely be established at the facility by the Company's PRC". "Will likely be established" is fails to meet the WAC 173-182-540 (f) requirement: "Wildlife rehabilitation facilities, space, and equipment suitable to conduct wildlife rehabilitation activities. Wildlife rehabilitation facilities shall meet the WDFW rehabilitation requirements detailed in WAC 220-450-100. The plan holder must have access under contract or other approvable means (emphasis added) to wildlife rehabilitation spaces and necessary supporting supplies and equipment as described below. The facility spaces and equipment must have the capability to be strategically placed to support the response within twenty-four hours of spill notification. The facility space must meet the following minimum requirements:..." Neither the plan nor MRSC PRC states whether the plan holder has access to an off-site facility.	Thank you for your comment. Ecology has requested the following from the plan holder: please provide a letter or contract confirming Shell Puget Sound Refinery's access to MSRC. In the narrative description of wildlife response, say how activation of Focus Wildlife will occur--will you contact Focus Wildlife directly or will Focus Wildlife be contacted by MSRC? Ensure that the phone number for Focus is included appropriately in the plan. Explain this activation process in the plan and make sure the process is reflected in your field document. The wildlife portion of the plan needs a more extensive discussion of how wildlife operations will be conducted. Provide a description of how a wildlife response will be initiated and conducted, including narratives on the activation of the Wildlife Branch, the steps in the assessment phase to determine impacts (including across borders), development of a reconnaissance plan, evaluation of deterrence and capture options, field stabilization, and rehabilitation/release. Shell may wish to consult with Focus Wildlife in writing these narratives, which should be specific to the plan and operating areas. Plan holder contingency plans must reference the NWACP and all actions must be conducted in accordance with applicable federal and state regulations and the NWACP. In January 2022, the remaining portion of 173-182-540 will phase-in which includes additional requirements of including information and resources on whale reconnaissance, monitoring and deterrence to be added to your plan.
Tesorero Port Angeles, Vancouver, Pasco Terminals	WDFW	Figure 3(A).3/"State Agencies"/"Washington State Department of Fisheries and Wildlife". Edit this item to read: "Washington Department of Fish and Wildlife (WDFW) Oil Spill Team (24-hr pager)". Edit number to read "(360) 534-8233".	Ecology appreciates your comment. This edit has been requested of the plan holder.
Tesorero Port Angeles, Vancouver, Pasco Terminals	WDFW	Figure 3(B).3/"State Agencies"/"Washington State Department of Fisheries and Wildlife". Edit this item to read: "Washington Department of Fish and Wildlife (WDFW) Oil Spill Team (24-hr pager)". Edit number to read "(360) 534-8233".	Ecology appreciates your comment. This edit has been requested of the plan holder.
Tesorero Port Angeles, Vancouver, Pasco Terminals	WDFW	Figure 3(C).3/"Federal Agencies"/"Washington State Department of Fisheries and Wildlife". Edit this item to read: "Washington Department of Fish and Wildlife (WDFW) Oil Spill Team (24-hr pager)". Edit number to read "(360) 534-8233". Note: it appears that this section needs to have a new header "State Agencies" inserted.	Ecology appreciates your comment. This edit has been requested of the plan holder.
Tidewater	The Lands Council, Friends of the San Juans, Washington Environmental Council, Citizens for a Healthy Bay, and Climate Action of Southwest Washington	Please also see March 28 ,2021 letter comments about general wildlife response requirements in the WAC 173-182-540 by Friends of the San Juan's, Olympic Environmental Council, Citizens for a Healthy Bay, Washington Environmental Council, Sierra Club, San Juan Islanders for Safe Shipping, The Humane Society of the United States, UW Center for Conservation Biology, Wild Orca, Seattle Aquarium, Sound Action, center for Biological Diversity, Orca Network, The Lands Council, The Whale Museum, Re Sources and Friends of the Earth.	Ecology's response to this letter is included in this document.
Tidewater	The Lands Council, Friends of the San Juans, Washington Environmental Council, Citizens for a Healthy Bay, and Climate Action of Southwest Washington	We are pleased that the plan in all four sections, lists the threatened and endangered species in the area including fish and orca. But the plan needs to actually have a plan on the immediate and significant action in assessing and saving oiled wildlife instead of just listing them. The plan spends more time on disposal strategies of dead wildlife than it does on finding them quickly and detailing how to save the wildlife and what equipment and facilities will be needed.	More detail regarding equipment and facilities has been requested of the plan holder and they have been instructed to work with their WRSP on drafting that section.
Tidewater	The Lands Council, Friends of the San Juans, Washington Environmental Council, Citizens for a Healthy Bay, and Climate Action of Southwest Washington	Refers to the NWACP for parts of the WAC. A better description of reporting timeframes to the US is needed. The first three parts of the WAC are weak on description. They need more detail. No mention of evacuation zones and shelter in place criteria number 8 in the WAC or reference to the NWACP which the plan does for at risk populations, but not for #8 in the WAC.	Reporting timeframes vary based on the incident and product spilled, and this plan indicates that those will be developed as part of the spill-specific plan. The plan states that evacuation and shelter in place will be evaluated with Unified Command using day-of results, as required by the rule.
Tidewater	The Lands Council, Friends of the San Juans, Washington Environmental Council, Citizens for a Healthy Bay, and Climate Action of Southwest Washington	The Columbia River GRP is mentioned in the Plan. However, Southern Resident Orca are very vulnerable to oil spills. The Columbia's wild chinook and steelhead are radically on the decline. It is not enough to just rely on the GRP and have a link when it comes to orcas and salmon. The description on a plan to handled oiled wildlife needs to be fully addressed in the plan up front. Please see these comments from the Orca Salmon Alliance from March 2, 2020 on the Sector Columbia River Area Contingency Plan.	The Columbia River GRPs include extensive strategies to reduce impact to salmon fisheries, including endangered Chinook. By referencing and adopting the GRPs as part of Tidewater's response plan they meet the burden of planning for salmon. Duplicating the information that is already in that plan is not required by the rule.
Tidewater	The Lands Council, Friends of the San Juans, Washington Environmental Council, Citizens for a Healthy Bay, and Climate Action of Southwest Washington	On pg. 6.31 a spill impacting 500 or more oiled animals needing necessary equipment for search, collection and stabilization in the first 72 hours states that Tidewater and IBS will make cooperative agreements. Shouldn't those agreements be in place already, before an estimated 500 or more animals are oiled? 500 is lot of animals and 72 hours may not be enough time to respond in order to ensure they can survive. How will Tidewater and IBS know that 500 or more animals need attending to if they don't even have the necessary equipment for the search of the animals first, well before 72 hours?	The plan holder has been requested to update their wildlife section by working with their WRSP to meet the rule.
Tidewater	The Lands Council, Friends of the San Juans, Washington Environmental Council, Citizens for a Healthy Bay, and Climate Action of Southwest Washington	This section does not adequately mention with specifics, the equipment, personnel and resources in number 2 of the WAC or No. 3 of the WAC for wildlife reconnaissance.	The plan holder has been requested to update their wildlife section by working with their WRSP to meet the rule.
Tidewater	The Lands Council, Friends of the San Juans, Washington Environmental Council, Citizens for a Healthy Bay, and Climate Action of Southwest Washington	The section in this C-Plan for wildlife response could simply be listed in the WAC format 1- 4, with a comment after each number and sub-number and letter of the WAC. If the section does not pertain to C- Plan, for example, whales, that should simply be noted.	The plan holder has been sent a sample template for wildlife response, but they are under no obligation to change the layout of their plan as long as it fulfills the requirements of the WAC and is usable and accessible during a response.
Tidewater	The Lands Council, Friends of the San Juans, Washington Environmental Council, Citizens for a Healthy Bay, and Climate Action of Southwest Washington	The planning standards for wildlife response are not detailed enough. International Bird Rescue has a contract with Tidewater with a call out time of 6 hours from Astoria and 4 from Portland. We would prefer an in-state responder that lives in the Tri-cities area who can immediately respond to oil-wildlife. That person, whether under contract with IBR or Tidewater, should be listed in the C- Plan along with the other immediate contact personnel. Tidewater states they have a verbal agreement from Cowlitz Clean Sweep to supply trained rescue and rehab personnel on Page 6.30. Contracts will be negotiated at the time of incident. We would prefer that the agreement be in writing.	The planning standard for response time of wildlife responders is met by this plan, However, Ecology has instructed the plan holder to list a USFWS representative or delegate (such as WDFW or ODEQ) to staff the Wildlife Branch Director position. The plan holders' contracted WRSP representative will also support the Wildlife Branch as assistant director. The plan holder has been requested to edit the Wildlife Section of the plan and has been sent a template to review with their WRSP.
Tidewater	The Lands Council, Friends of the San Juans, Washington Environmental Council, Citizens for a Healthy Bay, and Climate Action of Southwest Washington	This plan also writes about aerial reconnaissance of a spill. It would be a good idea to include a trained wildlife observer/responder in the initial aerial flyover of a spill. It may save time, money, and the lives of oil wildlife. If that is intended in the plan, it should say that. We have a suggestion that a trained wildlife responder could also be a part of the initial aerial observations of a spill. This is especially important over the Columbia River.	The rule requires WRSPs to provide a trained wildlife observer to conduct initial wildlife assessment and reconnaissance, and equipment to do so. The plan holder has been asked to work with their WRSP to rework their wildlife section to comply with the rule.
Tidewater	The Lands Council, Friends of the San Juans, Washington Environmental Council, Citizens for a Healthy Bay, and Climate Action of Southwest Washington	Please address orca whales in this plan and other marine mammals more extensively as oil from a vessel(s), which plies the Columbia River could spill and impact salmon and orcas and other animals because of tidal action that flows upriver to Vancouver. See the comments also about the Tidewater Vancouver Facility Response Plan.	The section of the WAC regarding Orca in more detail will phase in at the 24-month mark and will be incorporated into the plans at that time.
Tidewater	The Lands Council, Friends of the San Juans, Washington Environmental Council, Citizens for a Healthy Bay, and Climate Action of Southwest Washington	Vancouver Terminal needs to address in detail, in this C- Plan, salmonids and orcas. There are risks and threats to the endangered Columbia Basin Chinook salmon and the Southern Resident Orcas from this facility (as well as the barges) if an oil spill occurs. We know that orcas have come up into the river as far as Astoria. We also know that the ocean tides impact the river up to the Vancouver/Portland area. An oil spill will be impacted by tides. See the letter below from the Orca Salmon Alliance on oil spills. (embedded letter)	The section of the WAC regarding Orca in more detail will phase in at the 24-month mark and will be incorporated into the plans at that time.
Tidewater	The Lands Council, Friends of the San Juans, Washington Environmental Council, Citizens for a Healthy Bay, and Climate Action of Southwest Washington	Only uses refined oil products but it should be clearly stated that NFOs are not used and the need for the planning standard does not need to be done.	These updates have been requested of the plan holder.

Tidewater	The Lands Council, Friends of the San Juans, Washington Environmental Council, Citizens for a Healthy Bay, and Climate Action of Southwest Washington	In a no use zone for dispersants. However, bioremediation is mentioned The NWACP does not recommend it for open water areas as it is highly likely not to work. Bioremediation is possible in shoreline areas under aerobic conditions. The references in the NWACP to studies are older, 1990s. If Tidewater is seriously interested in this, they could check with the EPA for updated research and with universities. How does bioremediation differ with refined and non -refined products? Read this paper. Review Biorem Oil Spills[95010].pdf. River shorelines have smaller tide action than oceans, but the dams and the spill level from the dams may impact bioremediation. Spring run- off may be a challenge for bioremediation. The heavy metal content of oil can be a factor in the success of bioremediation, too.	This comment has been passed along to the plan holder and the NWACP committee for their consideration, but plan edits are required as the plan currently meets the rule.
Tidewater	The Lands Council, Friends of the San Juans, Washington Environmental Council, Citizens for a Healthy Bay, and Climate Action of Southwest Washington	Section f of the WAC is also either not specified or is minimally mentioned. For example, the description of the minimum of 2,400 four hundred square feet of space to house and treat wildlife is not mentioned in the plan nor is the 1,000 square feet of space for wildlife rehabilitation activities.	This edit has been requested of the plan holder.
Tidewater	The Lands Council, Friends of the San Juans, Washington Environmental Council, Citizens for a Healthy Bay, and Climate Action of Southwest Washington	A quick note that all four volumes of the integrated plan should be consistent with all the sections.	This edit has been requested of the plan holder.
Tidewater	WDFW	Table 4-4. "Washington Dept. of Fish and Wildlife Oil Spill Response Team". The hyperlink listed is no longer active (or needed). Recommend striking the link.	Ecology appreciates your comment. This edit has been requested of the plan holder.
Tidewater	WDFW	WA Dept. of Fish & Wildlife (Oil Spill Team). The phone number listed will not reach the Spill Team. Recommend striking "360-902-2200" and keeping only the pager number.	Ecology appreciates your comment. This edit has been requested of the plan holder.
Tidewater	WDFW	(7) Fish and wildlife. The table showing potential listed species in the area is not complete. Recommend referring to most current version of the CPS GRP (Ch.6) and updating this list.	Ecology appreciates your comment. This edit has been requested of the plan holder.
TLP Management Services LLC	WDFW	"Washington Department of Fish and Wildlife" Edit to read "Washington Department of Fish and Wildlife, Oil Spill Team (24/7 Pager)" Edit location to read "Olympia WA".	Ecology appreciates your comment. This edit has been requested of the plan holder.
TLP Management Services LLC	WDFW	"Wildlife Branch Director". Per the NWACP, USFWS or WDFW will fill this position. Recommend striking line item.	Ecology appreciates your comment. This edit has been requested of the plan holder.
Trans Mountain Pipeline	RE Sources	The Laurel oil pipeline pump station and associated holding tanks that are located on East Smith Road are of special concern. Between 1971 and 2000, this area was heavily contaminated from crude oil and natural gas condensate and entered the Model Toxics Control Act Site program. Remedial cleanup actions were completed in 2015 but the site remains contaminated and we feel that it is at risk for being recontaminated. A worst case scenario could result in over 3.7 million gallons of oil being spilled at this site.	This comment is outside the scope of this review, which was to verify compliance with contingency plan updates required in WAC 173-182-130(3).
Trans Mountain Pipeline	RE Sources	Section 2.1.5 describes an Automated Fire Detection System at the Laurel pump station that consists of fire wire alarms in a "foam dam area on the top of the two tanks." We want to know the chemical composition of this foam, specifically if it contains PFAS (per- and polyfluoroalkyl) molecules and how much foam is being stored on site. If the foam does contain PFAS or other toxic chemicals, we want to know the specific molecule types and what the cleanup plan is if the foam dam is activated. PFAS is a bioaccumulative, persistent, and toxic substance and its use should be discontinued. Given the toxic nature of petroleum products and firefighting foam, we feel that the Laurel pump station has the potential to put neighbors, churches, and waterways at risk both in the short and long-term. Fire foam is mentioned in the Response Equipment Section (9.7.3) as well. As requested above, we want clarity of the chemical composition of the foams described in the Fire Foam Trailer, Foam Cannon, Portable Fire Pump, and any other foam that could be used. In addition, we want to know the potential quantities of foam that could be deployed and what the cleanup plan is for post deployment.	This comment is outside the scope of this review, which was to verify compliance with contingency plan updates required in WAC 173-182-130(3). Additionally, the Ecology's Spills Program does not regulate fire fighting foam.
Trans Mountain Pipeline	Citizens for a Healthy Bay, The Lands Council, Evergreen Islands, Friends of the Earth, Friends of the San Juans, RE Sources WA Environmental Council	Section 7.6, Trans Mountain Products Summary, does not identify the non-floating oils. Please require this contingency plan to identify all non-floating oils that are transported by Trans Mountain Pipeline (Puget Sound) LLC.	Ecology agrees that their NFO section does not meet the requirements. This edit has been requested of the plan holder.
Trans Mountain Pipeline	Citizens for a Healthy Bay, The Lands Council, Evergreen Islands, Friends of the Earth, Friends of the San Juans, RE Sources WA Environmental Council	Section 4.8 Response Tactics for Non-Floating Oil does not address compliance with the timeframes required in WAC 173-182-324 (2).	Ecology agrees that their NFO section does not meet the requirements. This edit has been requested of the plan holder.
Trans Mountain Pipeline	Citizens for a Healthy Bay, The Lands Council, Evergreen Islands, Friends of the Earth, Friends of the San Juans, RE Sources WA Environmental Council	Section 2.6 Trans Mountain Contacts only lists to the Section Chief level and there is no information on whether personnel are dedicated or non-dedicated and where they are based. Please confirm that the number of personnel listed meets the requirements of WAC 173-182- 280 and require all personnel identified for responding within 24 hours to be dedicated and based in WA State.	Ecology agrees that their SMT depth does not meet the requirement, this edit has been requested of the plan holder. WAC 173-182 does not require personnel be based in-state—only that certain personnel must be able to arrive in-state by set timeframes.
Trans Mountain Pipeline	Citizens for a Healthy Bay, The Lands Council, Evergreen Islands, Friends of the Earth, Friends of the San Juans, RE Sources WA Environmental Council	Has Ecology ever required Trans Mountain Pipeline (Puget Sound) LLC to participate in an unannounced drill that includes equipment deployment? Please conduct an Ecology initiated unannounced drill to evaluate the effectiveness of this response plan and the preparedness of response personnel.	Ecology reserves the right to conduct Unannounced Drills, but has no requirement to complete them on a regular basis. Unannounced Drills are also conducted by the EPA and US Coast Guard
Trans Mountain Pipeline	Citizens for a Healthy Bay, The Lands Council, Evergreen Islands, Friends of the Earth, Friends of the San Juans, RE Sources WA Environmental Council	The November 19, 2020 letter from NRC states "NRC confirms that Trans Mountain Pipeline (Puget Sound) is authorized to reference NRC resources and certifications in its state and/or federal contingency and response planning documents pursuant to terms of the contract for coverage commencing January 1, 2018." However, no contract is included in the c-plan. Please confirm that the Trans Mountain Pipeline (Puget Sound) LLC's contract with NRC explicitly states that the NRC can be cited for compliance with all relevant WA State WAC's.	Plans are not required to include a statement that their PRC can be cited for compliance with all relevant WA State WACs in their contract or service agreement. PRCs must apply and be approved by Ecology before they can be cited to meet planning standards, which serves as verification that the PRC can be cited for compliance to relevant WACs.
Trans Mountain Pipeline	Citizens for a Healthy Bay, The Lands Council, Evergreen Islands, Friends of the Earth, Friends of the San Juans, RE Sources WA Environmental Council	General comments: The June 13, 2020 spill in Abbotsford, BC of more than 50,000 gallons of crude oil from a fitting on a 1" piece of pipe connected to the mainline raises significant concerns about the immediacy of the spill notifications, the shut off of the pipeline, and the containment at the source of the spill. A quick google search resulted in this flow chart <a href="https://www.slideshare.net/raju175/water-flow-pipe-sizes">https://www.slideshare.net/raju175/water-flow-pipe-sizes</a> . Assuming average pressure (20-100 PSI), 2,220 gallons per hour OF WATER will pass through a 1" pipe. Given that formula, it would take over 22 hours for 50,000 gallons of water to spill. Presumably oil would flow more slowly than water. Please provide the reports that reviewed this spill's activation of this c-plan, and specifically the spill response times, and Ecology's evaluation of whether this implementation of the c-plan was adequate and effective.	The Trans Mountain Pipeline (Puget Sound) plan only covers the portion of the pipeline located in Washington state. This plan was not used for the spill in Abbotsford, BC, Canada.
Trans Mountain Pipeline	Citizens for a Healthy Bay, The Lands Council, Evergreen Islands, Friends of the Earth, Friends of the San Juans, RE Sources WA Environmental Council	Section 18.2 Planning Standards lists the numbers of personnel available within certain timeframes but does not identify whether these personnel are dedicated or non-dedicated and where they are based. Require this plan to specify this information. Please require all personnel identified as available within 24 hours to be dedicated personnel based in WA State.	WAC 173-182 does not require personnel be based in-state—only that certain personnel must be able to arrive in-state by set timeframes.
Trans Mountain Pipeline	Citizens for a Healthy Bay, The Lands Council, Evergreen Islands, Friends of the Earth, Friends of the San Juans, RE Sources WA Environmental Council	Please require all personnel needed to support in-situ burning operations within 24 hours to be dedicated and based in WA State.	WAC 173-182 does not require personnel be based in-state—only that certain personnel must be able to arrive in-state by set timeframes.
Trans Mountain Pipeline	Citizens for a Healthy Bay, The Lands Council, Evergreen Islands, Friends of the Earth, Friends of the San Juans, RE Sources WA Environmental Council	Section 4.10.7 does not comply with WAC 173-182-325. Please require all personnel needed to provide the SMART monitoring protocols and wildlife monitoring protocols to be dedicated and based in WA State.	WAC 173-182 does not require personnel be based in-state—only that certain personnel must be able to arrive in-state by set timeframes.
Trans Mountain Pipeline	Citizens for a Healthy Bay, The Lands Council, Evergreen Islands, Friends of the Earth, Friends of the San Juans, RE Sources WA Environmental Council	Section 2.9 Other Notifications refers to a "database of local contacts" and a "database of Indigenous community contacts." However, no contact information is included for verification. Please confirm that all appropriate contact information is included in these data bases.	While this requirement is not required by rule, Ecology acknowledges that contacting tribal governments during a spill is an important best practice. Additionally, in the event of a spill, Ecology is committed to notifying the appropriate tribal governments and natural and cultural resource managers as soon as possible through the Environmental Unit and Liaison. These notifications do not rely on information in the contingency plan's, but rather a set of contacts Ecology maintains internally.
Trans Mountain Pipeline	Citizens for a Healthy Bay, The Lands Council, Evergreen Islands, Friends of the Earth, Friends of the San Juans, RE Sources WA Environmental Council	Section 3.0 only describes air monitoring to the step "EU to assess public health risk." Section 8.12 specifies the duties of the Information Officer which includes "Minimize unnecessary speculation, rumor, or concerns about the incident and potential risks to the public." And "Protect the company's reputation as a responsible corporate citizen." Section 10.2 Planning Section Organization Chart only includes "Air Monitoring" and section 10.4.3 Air Monitoring is specific to spill responder safety and only refers to the public in this statement: "The public will be informed of air monitoring results, as they become available via regular updates from the Information Officer and/or the Joint Information Center." Trans Mountain Pipeline (Puget Sound) LLC does not comply with WAC 173-182-535 (7) A description of communication methods to at-risk populations; and (8) A description of how evacuation zones and shelter-in-place criteria are established. Please require Trans Mountain Pipeline (Puget Sound) LLC to comply with air monitoring requirements for the oil spill responders and the public.	Thank you for your comment. No plan will be approved until it adequately addresses all air monitoring requirements as prescribed by WAC 173-182-535.
Trans Mountain Pipeline	Citizens for a Healthy Bay, The Lands Council, Evergreen Islands, Friends of the Earth, Friends of the San Juans, RE Sources WA Environmental Council	No "whales," "orca," or "Southern Resident Killer Whales" (SRKW) are listed as a resource at risk in Geographic Response handbook. Several water control points list "large, aquatic, and predatory mammals" though it doesn't appear that this implies whales (see WATER CONTROL POINT BA-2.5, CH-0.1, JO-3.2, LU(T)-2.1, NO-1.0, SQ-0.0, SQ-1.0, SQ-2.1, SQ-2.8). All GRPs where worst case discharges could reach the Salish Sea should specifically identify all marine mammals including SRKW and the components of their food web that depend upon the shoreline and intertidal zones, and the Salish Sea's surface, subsurface and benthic habitats.	Thank you for your comment. This request has been communicated to the plan holder.
Trans Mountain Pipeline	Citizens for a Healthy Bay, The Lands Council, Evergreen Islands, Friends of the Earth, Friends of the San Juans, RE Sources WA Environmental Council	Salmonids are listed in WATER CONTROL POINTS BA-2.5, LU(T)-2.1, CH-0.1, JO-3.2, NO-1.0, SQ-0.0, SQ-1.0, SQ-2.1, and SQ-2.8. All marine nearshore GRPs should reference salmon species as species at risk in addition to the GRPs near salmon spawning rivers/streams.	Thank you for your comment. This request has been communicated to the plan holder.
Trans Mountain Pipeline	WDFW	Eelgrass, para 2. This paragraph references the use of dispersants and herding agents and infers that they may be used without further authorization. This is incorrect. The use of these agents will only be authorized by the UC if they are recommended by the Environmental Unit during a response. Recommend deleting this paragraph.	Ecology appreciates your comment. This edit has been requested of the plan holder.
Trans Mountain Pipeline	WDFW	Coordination. Per the NWACP, it is the Wildlife Branch (within the Operations Section of the ICS) which is responsible for and directs all wildlife response activities during an incident. Within Washington State, the Wildlife Branch is directed by the Washington Department of Fish and Wildlife. Recommend editing this section to be consistent with the NWACP.	Ecology appreciates your comment. This edit has been requested of the plan holder.

Trans Mountain Pipeline	WDFW	Recommend updating list to include: Oiled Wildlife Care Network (OWCN). Also note that IBRRC was renamed as "International Bird Rescue "IBR" several years ago. Recommend editing this section to reflect these changes.	Ecology appreciates your comment. This edit has been requested of the plan holder.
Trans Mountain Pipeline	WDFW	Facilities, 1st para. This contains outdated information. WAC 173-182-540 has changed the facility planning requirements to a space rather than capacity-based standard. Additional resources are also required. Recommend editing this para. accordingly, and confirming that NRCEs is able to meet the current facility AND PERSONNEL requirements. Plan should contain documentation of same.	Ecology appreciates your comment. This edit has been requested of the plan holder.
US Oil & Refining/McChord Pipeline Co.	Friends of the San Juans, Friends of the Earth, The Lands Council, Washington Environmental Council, Evergreen Islands, RE Sources, and Citizens for a Healthy Bay	APPENDIX F - Global Diving & Salvage Co. Response Capabilities includes an outdated letter from Global stating "You have our permission to list Global among the response resources in your facility/vessel contingency plans. It does not guarantee a performance standard or obligate Global to respond. Any response would be subject to the availability of our personnel and equipment. ... Period of Performance: This listing is valid from March 19, 2020 through March 19, 2021."	Thank you for your comment. We have asked U.S. Oil/McChord Pipeline to update their plan with a current letter from Global Diving and Salvage.
US Oil & Refining/McChord Pipeline Co.	Friends of the San Juans, Friends of the Earth, The Lands Council, Washington Environmental Council, Evergreen Islands, RE Sources, and Citizens for a Healthy Bay	APPENDIX H - FACILITY PLOT PLANS - U.S. OIL & REFINING CO. includes evacuation assembly locations are identified for refinery personnel only (PDF page 501). Please require the U.S. Oil & Refining Co. and McCord Pipeline Co. c-plan to comply with the air monitoring requirements for oil spill responders and the public.	Ecology has determined that this plan describes a robust air monitoring plan for pipeline releases that meet the rule standards. We have asked US Oil & Refining Co. to update their plan so that the air monitoring section applies to all US Oil Refinery and McChord Pipeline operations as necessary.
US Oil & Refining/McChord Pipeline Co.	Friends of the San Juans, Friends of the Earth, The Lands Council, Washington Environmental Council, Evergreen Islands, RE Sources, and Citizens for a Healthy Bay	Please conduct Ecology initiated unannounced equipment deployment drills to evaluate the effectiveness of this response plan and the preparedness of response personnel.	Ecology reserves the right to conduct Unannounced Drills, but has no requirement to complete them on a regular basis. Unannounced Drills are also conducted by the EPA and US Coast Guard.
US Oil & Refining/McChord Pipeline Co.	Friends of the San Juans, Friends of the Earth, The Lands Council, Washington Environmental Council, Evergreen Islands, RE Sources, and Citizens for a Healthy Bay	Please see also the March 15, 2021 comments from Friends of the San Juan's, The Lands Council, Washington Environmental Council, Friends of the Earth, Seattle Aquarium, Evergreen Islands, Olympic Environmental Council, Wild Fish Conservancy, and Sierra Club.	Ecology's response to this letter is included in this document.
US Oil & Refining/McChord Pipeline Co.	Friends of the San Juans, Friends of the Earth, The Lands Council, Washington Environmental Council, Evergreen Islands, RE Sources, and Citizens for a Healthy Bay	Please see the March 9, 2021 comments from Friends of the San Juan's, Olympic Environmental Council, Citizens for a Healthy Bay, Washington Environmental Council, Sierra Club, The Humane Society of the United States, San Juan Islanders for Safe Shipping, UW Center for Conservation Biology, Wild Orca, Seattle Aquarium, Sound Action, Center for Biological Diversity, Orca Network, The Lands Council, The Whale Museum, RE Sources, Friends of the Earth, Whale and Dolphin Conservation, Orca Behavior Institute, and Natural Resources Defense Council.	Ecology's response to this letter is included in this document.
US Oil & Refining/McChord Pipeline Co.	Friends of the San Juans, Friends of the Earth, The Lands Council, Washington Environmental Council, Evergreen Islands, RE Sources, and Citizens for a Healthy Bay	Please require this c-plan to be revised with complete and accurate information about all whale species that are present near the U.S. Oil & Refining Co. facility and the McCord Pipeline. Section 6.4. Hazing from the outdated 2000 version of the CENTRAL PUGET SOUND GRP (PDF page 630) states: National Marine Fisheries Service staff or their designees will perform all hazing of marine mammals other than sea otters. Before hazing can begin for all other species of wildlife, clearance must be obtained from the Washington Department of Fisheries and Wildlife and the United States Fish and Wildlife Service. All hazing efforts during a spill will be directed by these agencies. The deliberate harassment of wildlife without first securing permission from these agencies is a violation of Federal and State laws. This section of the c-plan contradicts section 3.6.2 Oiled Wildlife Response (PDF page 140): USOR has a contract with MSRC for wildlife rescue and rehabilitation resources. ... Additionally, MSRC maintains a dedicated contractual agreement with Focus Wildlife International Ltd. (Focus Wildlife) of Anacortes, WA for citation rights for resources and services to cover the following Washington State codes: WAC 173-186-370; WAC 173- 182-540; and, WAC 220-450-100. ... Therefore, Focus Wildlife will serve as USOR's WRSP when needed. Focus Wildlife will conduct and manage the various field aspects of a wildlife response including impact assessment, reconnaissance, deterrence, capture, stabilization, and rehabilitation. ... When activated, MSRC and Focus Wildlife will jointly provide personnel for transport, set up and mobile facility infrastructure service in accordance with their contract. And Section 6.1.13 Planning Standards for Wildlife Response is inadequate: the "updated wildlife response planning standards" that were apparently added to this c-plan on 2/18/2021 don't provide any substantive additions to section 3.6.2 Oiled Wildlife Response.	Information on killer whales is not required to be in the contingency plans until January 2022 when the 24-month phase in requirements are due. U.S. Oil submitted their 5-year plan update prior to the release of the updated Central Puget Sound GRP. We have asked U.S. Oil to update their plan with updated GRP information in their next submission. In the section preceding the Wildlife Response section of the contingency plan, U.S. Oil appropriately describes the permits required to conduct wildlife response activities (see page 3.6-21 of the plan). The U.S. Oil plan cites the capabilities of their PRC and WRSP and cites relevant PRC applications for more information on their capabilities. We find that the plan's wildlife section lack required information on the field aspects of a wildlife response including impact assessment, reconnaissance, deterrence, capture, stabilization, and rehabilitation. We are asking U.S. Oil to update their plan with this information.
US Oil & Refining/McChord Pipeline Co.	Friends of the San Juans, Friends of the Earth, The Lands Council, Washington Environmental Council, Evergreen Islands, RE Sources, and Citizens for a Healthy Bay	Please require the U.S. Oil & Refining Co.'s and the McCord Pipeline Co.'s contracts and/or service agreements with MSRC to explicitly state that MSRC can be cited for compliance with all relevant WA State WACs.	Plans are not required to include a statement that their PRC can be cited for compliance with all relevant WA State WACs in their contract or service agreement. PRCs must apply and be approved by Ecology before they can be cited to meet planning standards, which serves as verification that MSRC can be cited for compliance to relevant WACs.
US Oil & Refining/McChord Pipeline Co.	Friends of the San Juans, Friends of the Earth, The Lands Council, Washington Environmental Council, Evergreen Islands, RE Sources, and Citizens for a Healthy Bay	Please require the U.S. Oil & Refining Co.'s and the McCord Pipeline Co.'s contracts and/or service agreements with MSRC to explicitly state that MSRC can be cited for compliance with all relevant WA State WACs.	Plans are not required to include a statement that their PRC can be cited for compliance with all relevant WA State WACs in their contract or service agreement. PRCs must apply and be approved by Ecology before they can be cited to meet planning standards, which serves as verification that MSRC can be cited for compliance to relevant WACs.
US Oil & Refining/McChord Pipeline Co.	Friends of the San Juans, Friends of the Earth, The Lands Council, Washington Environmental Council, Evergreen Islands, RE Sources, and Citizens for a Healthy Bay	PDF page 530 states: Note that GRPs only address protection of sensitive public resources. It is the responsibility of private resource owners and/or potentially liable parties to address protection of private resources (such as commercial marinas, private water intakes, and non-release aquaculture facilities). Is this statement factually correct?	Regarding the protection of private resources, yes private resources owners and/or the potentially liable party is responsible for the protection of private resources. Private resource owners would be advised to take action to protect their resources through response efforts, either directly from U.S. Oil or through a Unified Command.
US Oil & Refining/McChord Pipeline Co.	Friends of the San Juans, Friends of the Earth, The Lands Council, Washington Environmental Council, Evergreen Islands, RE Sources, and Citizens for a Healthy Bay	APPENDIX L - GEOGRAPHIC RESPONSE PLAN FOR MCCHORD PIPELINE CO. is dated December 30, 1999 and appears seriously outdated. Are the GRPs for the McCord Pipeline current and accurate?	Some strategy locations in the McChord Pipeline GRP overlap with the Central Puget Sound GRP. We requested that U.S. Oil/McChord Pipeline remove these strategies from the company GRP. Ecology is committed to working with U.S. Oil and McChord Pipeline to review and update these strategies as appropriate.
US Oil & Refining/McChord Pipeline Co.	Friends of the San Juans, Friends of the Earth, The Lands Council, Washington Environmental Council, Evergreen Islands, RE Sources, and Citizens for a Healthy Bay	The MSRC Certificate of OSRO Coverage Onshore Facilities Operator is current 1 January 2021 – 31 December 2021. Washington State's oil spill contingency planning requirements exceed federal requirements. Appendix E also includes a September 27, 1996 MSRC Service Agreement Execution Instrument that was signed by U.S. Oil and Refining Co. on April 1, 2005. Please explain the relevance of this document in this c-plan. Please require the U.S. Oil & Refining Co.'s and the McCord Pipeline Co.'s contracts and/or service agreements with MSRC to explicitly state that MSRC can be cited for compliance with all relevant WA State WACs.	The Execution Instrument to the MSRC Service Agreement is evidence of an existing contract between MSRC and U.S. Oil/McChord Pipeline. The MSRC OSRO Coverage Certificate demonstrates that the contract is in good standing for the calendar year. This meets the requirement of the rule. Plans are not required to include a statement that their PRC can be cited for compliance with all relevant WA State WACs in their contract or service agreement. PRCs must apply and be approved by Ecology before they can be cited to meet planning standards, which serves as verification that MSRC can be cited for compliance to relevant WACs.
US Oil & Refining/McChord Pipeline Co.	Friends of the San Juans, Friends of the Earth, The Lands Council, Washington Environmental Council, Evergreen Islands, RE Sources, and Citizens for a Healthy Bay	Please require all personnel identified for responding within 24 hours to be dedicated and based in WA State.	The plan describes how the Incident Commanders can arrive on-scene within six hours and provides an estimated time frame for arrival the rest of the SMT. This meets the requirement of the rule.
US Oil & Refining/McChord Pipeline Co.	Friends of the San Juans, Friends of the Earth, The Lands Council, Washington Environmental Council, Evergreen Islands, RE Sources, and Citizens for a Healthy Bay	Please require this c-plan to be revised with all non-floating oils clearly identified and a clear commitment to the planning standards, with the necessary personnel and equipment capable within the time frames required by WAC 173-182-324 (2).	The response plan describes non-floating oils handled by the facility on page 3.5-37. However, we recognize that including non-floating oil information on the product list could aid responders in making an assessment of the spilled oil's potential to sink. We have asked U.S. Oil/McChord Pipeline to include non-floating oil information on the product lists. U.S. Oil/McChord Pipeline meets planning standard requirements for non-floating oils through their PRC, MSRC.
US Oil & Refining/McChord Pipeline Co.	Friends of the San Juans, Friends of the Earth, The Lands Council, Washington Environmental Council, Evergreen Islands, RE Sources, and Citizens for a Healthy Bay	Please require all personnel needed to support in-situ burning operations within 24 hours to be dedicated and based in WA State.	The WAC does not require personnel or equipment to be dedicated in-state as long as certain time requirements can be met. As required by WAC 173-182-330, U.S. Oil and McChord Pipeline can have the resources required for in-situ burning operations on-scene within twelve hours of spill notifications. This requirement is met through their PRC, WSRC.
US Oil & Refining/McChord Pipeline Co.	Friends of the San Juans, Friends of the Earth, The Lands Council, Washington Environmental Council, Evergreen Islands, RE Sources, and Citizens for a Healthy Bay	Please require all the necessary personnel for the deployment and operation of non-floating oil spill response equipment capable within the time frames in WAC 173-182-324 (2) to be dedicated and based in WA State.	The WAC does not require personnel or equipment to be dedicated in-state as long as certain time requirements can be met. U.S. Oil and McChord Pipeline can have the resources required by WAC 173-182-324, on-scene within the required time frame.
US Oil & Refining/McChord Pipeline Co.	Friends of the San Juans, Friends of the Earth, The Lands Council, Washington Environmental Council, Evergreen Islands, RE Sources, and Citizens for a Healthy Bay	Please require all personnel needed to provide the SMART monitoring protocols and wildlife monitoring protocols to be dedicated and based in WA State.	U.S. Oil and McChord Pipeline are located in a No-Use Dispersant Zone as defined by the NWACP, so they are not required to meet the planning standards for dispersant use. However, the plan does state that it will use the monitoring protocols as dictated by the NWACP, which meets the requirement of the rule. The rule does not require specific reference to SMART monitoring.
US Oil & Refining/McChord Pipeline Co.	Friends of the San Juans, Friends of the Earth, The Lands Council, Washington Environmental Council, Evergreen Islands, RE Sources, and Citizens for a Healthy Bay	Please require the U.S. Oil & Refining Co.'s and the McCord Pipeline Co.'s contracts and/or service agreements with MSRC to explicitly state that MSRC can be cited for compliance with all relevant WA State WACs.	U.S. oil meets planning standard requirements through their contract with MSRC. They are not required to include a statement that MSRC can be cited for compliance with all relevant WA State WACs in their contract or service agreement is not required by the rule. Furthermore, PRCs must apply and be approved by Ecology before they can be cited to meet planning standards, which is additional verification that MSRC can be cited for compliance to relevant WACs.

US Oil & Refining/McChord Pipeline Co.	Friends of the San Juans, Friends of the Earth, The Lands Council, Washington Environmental Council, Evergreen Islands, RE Sources, and Citizens for a Healthy Bay	Please require the U.S. Oil & Refining Co.'s and the McCord Pipeline Co.'s contracts and/or service agreements with MSRC to explicitly state that MSRC can be cited for compliance with all relevant WA State WACs.	U.S. Oil meets the in-situ burning planning standard requirements through their contract with MSRC. Plans are not required to include a statement that their PRC can be cited for compliance with all relevant WA State WACs in their contract or service agreement. PRCs must apply and be approved by Ecology before they can be cited to meet planning standards, which serves as verification that MSRC can be cited for compliance to relevant WACs.
US Oil & Refining/McChord Pipeline Co.	Friends of the San Juans, Friends of the Earth, The Lands Council, Washington Environmental Council, Evergreen Islands, RE Sources, and Citizens for a Healthy Bay	APPENDIX I - CENTRAL PUGET SOUND GEOGRAPHIC RESPONSE PLAN includes outdated information from 2000, 2003, and 2007. Please require this c-plan to include the current GRP data.	U.S. Oil/McChord Pipeline submitted this version of the plan before the Central Puget Sound GRP was released. We have asked them to include the updated GRP in their next submission.
US Oil & Refining/McChord Pipeline Co.	Friends of the San Juans, Friends of the Earth, The Lands Council, Washington Environmental Council, Evergreen Islands, RE Sources, and Citizens for a Healthy Bay	Section 9.2 Pipeline Release Air Monitoring Plan, includes the subsection, Communications to At-Risk Populations. However, this only includes "spills that occur off-site where air monitoring results have demonstrated a need to notify the public." (PDF page 269) Section 9.2 does not address planning standards for air monitoring to protect oil spill responders and the public from spills that occur on-site at the U.S. Oil & Refining Co.	We agree that the submitted plan does not adequately address air monitoring requirements at the U.S. Oil facility. We have asked U.S. Oil to review and update this section so that it is applicable to any location impacted by a spill.
US Oil & Refining/McChord Pipeline Co.	Friends of the San Juans, Friends of the Earth, The Lands Council, Washington Environmental Council, Evergreen Islands, RE Sources, and Citizens for a Healthy Bay	Figure 3-24 COMMENCEMENT BAY SENSITIVITY AREA MAP (PDF page 135) lists "TRIBAL USUAL AND ACCUSTOMED FISHING PLACES" The Spill Response Contact Sheet includes only some of the Tribes listed in Figure 3-24: Puyallup Tribe, Muckleshoot Tribe, Nisqually Tribe, and Suquamish Tribe. These are not the only Tribes that would be impacted by a spill at the U.S. Oil & Refining Co. and/or the McCord Pipeline.	We agree that the tribes referenced in the map, and on the contact sheet, are not the only tribes that would be impacted by a spill from U.S. Oil/McChord Pipeline. However, it is not required by rule for the contingency plan to include tribal usual and accustomed fishing places. In the event of a spill, the Liaison Unit is charged with reaching out to local tribes to notify and invite them to participate in the response.
US Oil & Refining/McChord Pipeline Co.	Friends of the San Juans, Friends of the Earth, The Lands Council, Washington Environmental Council, Evergreen Islands, RE Sources, and Citizens for a Healthy Bay	If the initial assessment determines that there is potential for a spilled material to submerge or sink, USOR will activate MSRC to detect and delineate the spilled oil and to assess the impact on the environment. This c-plan includes the use of a "Sinking Oil Risk Assessment Tool" (Figure 3-18B, PDF page 116): Is it correct to infer that U.S. Oil & Refining Co. relies upon MSRC to respond to a non-floating oil spill, but that MSRC won't be notified/mobilized about the spill until after U.S. Oil & Refining Co. personnel have evaluated whether the spill may submerge and sink? Is it correct that the MSRC response times are based on when they are notified? Please confirm that the time frames identified in WAC 173-182-324 (2) are based on the time of the spill incident and not the time when the PRC is notified by the responsible party.	We have asked U.S. Oil to further clarify how the sinking oil initial assessment will occur including who will conduct the initial assessment. Yes, MSRC response times are based on when they are notified. The planning standard time requirements are based on the time of the spill, not when the PRC is notified.
Washington State Maritime Cooperative (WSMC)	Friends of the San Juans, Washington Environmental Council, The Lands Council, Friends of the Earth	See also comments sent March 9, 2021 from Friends of the San Juan's, Olympic Environmental Council, Citizens for a Healthy Bay, Washington Environmental Council, Sierra Club, The Humane Society of the United States, San Juan Islanders for Safe Shipping, UW Center for Conservation Biology, Wild Orca, Seattle Aquarium, Sound Action, Center for Biological Diversity, Orca Network, The Lands Council, The Whale Museum, RE Sources, Friends of the Earth, Whale and Dolphin Conservation, Orca Behavior Institute, and Natural Resources Defense Council.	Ecology's response to this letter is included in this document.
Washington State Maritime Cooperative (WSMC)	Friends of the San Juans, Washington Environmental Council, The Lands Council, Friends of the Earth	WSMC's compliance with WAC 173-182-535 is inadequate. Section 6.13. AIR MONITORING WAC 173-182-535 states, "WSMC, by way of our PRC and contracted safety professionals, will conduct air monitoring for the health and safety of employees, responders and the public. Air monitoring will be conducted in accordance with 29 CFR 1910.120 and WAC 296-843-130." However, the MSRC PRC application only briefly addresses air monitoring in section F6 – In-situ Burning, and air monitoring is listed in Table E which summarizes WAECY-identified training categories for which MSRC Pacific Region employees may receive training." (Emphasis added.) This c-plan states, "WSMC covers vessels operating within the navigable waters of the state of Washington with the exception of the Columbia River system." Please require WSMC to thoroughly plan for air monitoring to protect oil spill responders and the public throughout all the WA State communities included in their area of coverage. These communities range from densely populated coastal cities to remote and difficult to access islands that are either sparsely populated and/or are used for recreational purposes.	Much of this comment is outside the scope of this review, which was to verify compliance with contingency plan updates required in WAC 173-182-130(3). We find that WSMC meets all air monitoring requirements as required by WAC 173-182-535. Ecology finds that WSMC, through their contracted response resources, meets the requirements of the WAC 173-182-355 for all locations where WSMC covered vessels conduct transfers. We can provide you with the updated planning standard spreadsheets for your review.
Washington State Maritime Cooperative (WSMC)	Friends of the San Juans, Washington Environmental Council, The Lands Council, Friends of the Earth	Please require WSMC to have a contract or service agreement with a PRC that explicitly states that it can be cited for compliance with all relevant WACs, and especially those included in this update.	Plans are not required to include a statement that their PRC can be cited for compliance with all relevant WA State WACs in their contract or service agreement. PRCs must apply and be approved by Ecology before they can be cited to meet planning standards, which serves as verification that the PRC can be cited for compliance to relevant WACs.
Washington State Maritime Cooperative (WSMC)	Friends of the San Juans, Washington Environmental Council, The Lands Council, Friends of the Earth	The MSRC Service Agreement (FINALIZED 10.5.20 EFFECTIVE 1.1.21) ARTICLE VII, RESPONSE PLAN CITATION, 7.1. Citation states "MSRC may be cited for the capabilities set forth in the U.S. Coast Guard ("USCG") Response Resource Inventory System ("RRI") or any replacement or successor USCG system" but is silent on citing MSRC for compliance with all relevant WACs. Washington state's oil spill contingency planning requirements exceed federal requirements.	Plans are not required to include a statement that their PRC can be cited for compliance with all relevant WA State WACs in their contract or service agreement. PRCs must apply and be approved by Ecology before they can be cited to meet planning standards, which serves as verification that MSRC can be cited for compliance to relevant WACs.
Washington State Maritime Cooperative (WSMC)	Friends of the San Juans, Washington Environmental Council, The Lands Council, Friends of the Earth	The WSMC c-plan states that the MSRC is a U.S. Coast Guard approved NFO OSRO and references the USCG NFO approval letter. Washington State's oil spill contingency planning requirements exceed federal requirements. Please require WSMC to have a service agreement with the MSRC or other PRC that explicitly states that they can be cited for compliance with all relevant WACs.	Plans are not required to include a statement that their PRC can be cited for compliance with all relevant WA State WACs in their contract or service agreement. PRCs must apply and be approved by Ecology before they can be cited to meet planning standards, which serves as verification that a PRC can be cited for compliance to relevant WACs.
Washington State Maritime Cooperative (WSMC)	Friends of the San Juans, Washington Environmental Council, The Lands Council, Friends of the Earth	The MSRC Service Agreement addresses the issue of being asked to respond to multiple spills simultaneously in ARTICLE II, CALL-OUT 2.4. First Come/First Served; Priority for Oil Spill Responses within the Operational Area; Other Priorities, and 2.5. Conflicting Requests in the Operational Area. The MSRC Service Agreement states in ARTICLE II, CALL-OUT 2.5. Conflicting Requests in the Operational Area: "MSRC may not be named, without MSRC's prior written consent, ... as a "non-cascadable resource" in any location (meaning where Resources would be restricted as to location rather than available for cascading to other locations)." Please require WSMC to have a PRC contract that is named as a non-cascadable resource.	This comment is outside the scope of this review, which was to verify compliance with contingency plan updates required in WAC 173-182-130(3). The cascade of equipment into a response is allowed by WAC 173-182, and the rule does not require personnel be based in-state—only that certain personnel are required to arrive in-state by set timeframes.
Washington State Maritime Cooperative (WSMC)	Friends of the San Juans, Washington Environmental Council, The Lands Council, Friends of the Earth	The July 12, 2014 Wildlife Response Resources Letter of Intent from Focus Wildlife "confirms that it will make available upon request all applicable wildlife response resources (personnel and equipment) within 24 hours of request" – This letter of intent is outdated and does not comply with WAC 173-182-540.	This letter of intent is not needed to meet the updated requirements. WSMC meets the WSRP requirements through their PRC, MSRC. MSRC has contracted with Focus Wildlife on behalf of their clients to meet the requirements of WAC 173-182-540. This is explained in section 6.14 of WSMC's plan. We will allow WSMC to keep the Letter of Intent from Focus Wildlife in their plan under the assumption that it provides a business need to the plan holder.
Washington State Maritime Cooperative (WSMC)	Friends of the San Juans, Washington Environmental Council, The Lands Council, Friends of the Earth	This section of the c-plan doesn't even include a reference to the NWACP.	We agree that a reference to the NWACP is lacking in the submitted plan. We have asked WSMC to include a citation to the NWACP non-floating oil tool in their resubmittal. Their plan will not be approved until they provide more information to meet the requirements of 173-182-324.
Washington State Maritime Cooperative (WSMC)	Friends of the San Juans, Washington Environmental Council, The Lands Council, Friends of the Earth	WSMC has a contract with MSRC, a U.S. Coast Guard approved NFO OSRO, for resources appropriate to respond to a spill of nonfloating oils. For planning purposes, the MSRC and contractor resources identified are cascadable by water, road and air transport and as such are capable of being on scene within twelve hours of spill notification. For equipment details and USCG NFO approval letter see section F7 – Response Equipment for Group V Oils and Potentially Non-floating Oils of the MSRC PRC application. This c-plan states, "WSMC covers vessels operating within the navigable waters of the state of Washington with the exception of the Columbia River system." Please require this c-plan to identify ALL the non-floating oils that are carried, handled, stored, and/or transported on all the vessels covered by this c-plan.	We agree that WSMC's does not adequately describe the non-floating oils that may be carried, stored, handled or transported by WSMC covered vessels. We are asking them provide more information to meet the requirement of the rule.
Washington State Maritime Cooperative (WSMC)	Friends of the San Juans, Washington Environmental Council, The Lands Council, Friends of the Earth	Section 6.9. NON-FLOATING OILS WAC 173-182-324 does not identify any of the non-floating oils covered by this c-plan. This section only states:	We agree that WSMC's plan does not adequately describe the non-floating oils that may be carried, stored, handled or transported by WSMC covered vessels. Their plan will not be approved until they provide more information to meet the requirements of 173-182-324.
Washington State Maritime Cooperative (WSMC)	Friends of the San Juans, Washington Environmental Council, The Lands Council, Friends of the Earth	Please require this c-plan to include details on their compliance with the one-hour response requirement and a narrative that identifies the equipment and the dedicated personnel in sufficient numbers to assess, detect, delineate, and recover non-floating oil spills in the required timeframes listed in WAC 173-182-324 (2).	We agree that WSMC's plan does not meet the requirement for the one-hour response requirement. We are asking WSMC to describe how, within one hour of a spill, an initial assessment and consultation will be conducted to determine the potential for the spilled oil to submerge or sink. This description should explain who is responsible for initiating the assessment and how the NFO potential will be evaluated
Washington State Maritime Cooperative (WSMC)	Friends of the San Juans, Washington Environmental Council, The Lands Council, Friends of the Earth	The MSRC PRC application doesn't include any description of the process for detecting, delineating, and recovering non-floating oils in the areas that may be impacted. The MSRC PRC application has no information about the one-hour requirement to "Initiate an assessment and consultation regarding the potential for the spilled oil to submerge or sink." – WAC 173-182-324 (2) – and no information about the personnel needed to deploy the listed equipment.	We agree that WSMC's plan does not meet the requirement for the one-hour response standard. We are asking WSMC to describe how, within one hour of a spill, an initial assessment and consultation will be conducted to determine the potential for the spilled oil to submerge or sink. This description should explain who is responsible for initiating the assessment and how the NFO potential will be evaluated. Their plan will not be approved until they provide more information to meet the requirements of 173-182-324.
Washington State Maritime Cooperative (WSMC)	Friends of the San Juans, Washington Environmental Council, The Lands Council, Friends of the Earth	Questions about WSMC's reciprocal arrangement agreement with the Western Canada Marine Response Corporation (WCMRC): The WSMC and WCMRC reciprocal arrangement agreement appears to have lapsed in 2014. Please confirm that the reciprocal arrangement agreement is in effect. Also, please provide information on the status of the "RECIPROCAL AGREEMENT CURRENTLY UNDER DISCUSSION BETWEEN THE CANADIAN AND U.S. GOVERNMENTS." Are WSMC Vessels Outbound in Canadian waters (in Georgia Strait, Boundary Pass and Haro Strait) covered by WCMRC – or only when outbound in the Strait of Juan de Fuca?	We can confirm that WSMC and WCMRC's agreement is still in effect. However, the reciprocal agreement between WSMC and WCMRC is not required under the rule and is outside of Ecology's authority. We suggest that you reach out to WSMC or WCMRC for more information on their agreement.

<p>Washington State Maritime Cooperative (WSMC)</p>	<p>Friends of the San Juans, Washington Environmental Council, The Lands Council, Friends of the Earth</p>	<p>The MSRC PRC Application states, "Specifically for planning purposes per WAC 173-182-522 (1) (1-a) (1-b) MSRC maintains an as-available contract with STARs (Spill Team Area Responder) contractor NWWF Environmental (800-942-4614) for 110 trained shoreline cleanup personnel (to include 10 trained supervisors), capable of arriving within 24 hours of spill notification. Additionally, MSRC STARs contractors Global Diving &amp; Salvage (206-623-0621) and Cowlitz Clean Sweep (360-423-6316) are capable of providing shoreline cleanup services. Response capability of these contractors includes, but is not limited to, shoreline cleanup. STARs contracts are available for review at the MSRC Pacific Region office in Everett, WA." An as-available contract does not comply with WAC 173-182-522 (1) (a) Plan holders must have contracted access to one hundred trained shoreline clean-up workers; and (1) (b) Plan holders must have contracted access to trained shoreline clean-up supervisors. Please require WSMC or their PRC to have a contract for 110 Washington State-based and full-time dedicated and trained shoreline cleanup personnel (to include 10 trained supervisors), capable of arriving within 24 hours of spill notification. Please extend the current comment period or provide an additional comment period so that the public can comment on WSMC's compliance with WAC 173-182-355.</p>	<p>WSMC has retained the services of MSRC for shoreline clean up services. MSRC has demonstrated that they can supply the personnel and equipment for the shoreline resources required by WAC 173-182-522. Sourcing trained clean-up workers from out of state is acceptable as these workers could arrive within 24-hours, as required by the rule. Ecology has updated WSMC's planning standard spreadsheets to include the new standards.</p>
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