

# Ecology Rule Making to Amend the Oil Spill Contingency Planning Rule (WAC 173-182)

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# This rule making will:

- ▶ Update state oil spill preparedness planning standards to incorporate best achievable protection and best available technology.
  - ▶ Enhance the state's current vessels of opportunity system.
  - ▶ Establish a volunteer coordination system.
  - ▶ Require joint large-scale equipment deployment drills from tank vessels.
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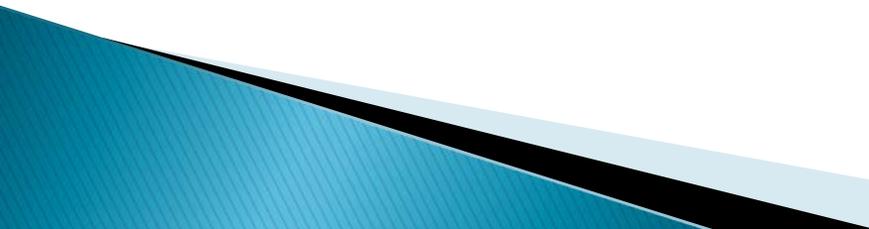
# This rule making will (cont.):

- ▶ Improve the state-required notification process for vessels to include potential spill threats as well as actual spills.
  - ▶ Change contingency plan requirements for nonprofit “umbrella” organizations.
  - ▶ Make other changes related to oil spill contingency plans and Ecology’s contingency plan review and approval process.
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# Rule Advisory Committee Membership

- ▶ Oil Facilities
- ▶ Oil shipping
- ▶ Cargo & other shipping
- ▶ Tug/Towing
- ▶ Umbrella Plan Providers
- ▶ Primary Response Contractors
- ▶ Commercial Shellfish
- ▶ Gill Netters/Puget Sound Fishing vessels
- ▶ Tribal Interests
- ▶ City & County Interests
- ▶ Environmental Interests
- ▶ Recreational Interests
- ▶ Puget Sound Interests

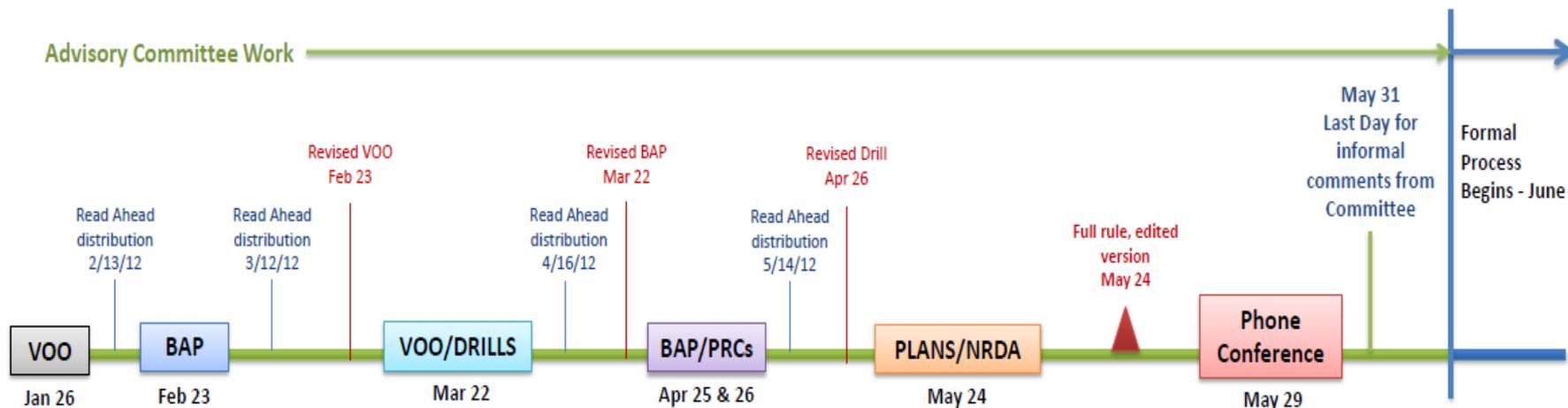
# Major Rule Topics

- ▶ Vessels of Opportunity (VOO)
  - ▶ Best Achievable Protection (BAP)
  - ▶ Addition of a 4 hour Planning Standard
  - ▶ Updated Aerial Surveillance Planning Standard
  - ▶ Drills
  - ▶ Primary Response Contractors (PRCs)
  - ▶ Contingency Plans
  - ▶ Notifications
  - ▶ Natural Resource Damage Assessment
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# Timeline for the informal process

- ▶ Series of Advisory Committee Meetings
- ▶ January through May
- ▶ All Rule Committee meeting minutes and agendas are posted.
- ▶ Rule Committee meetings are open to the public.
- ▶ We welcome and encourage comments from people who are not on our Rule Committee.
- ▶ Rule Website:  
<http://www.ecy.wa.gov/programs/spills/rules/1106.html>

# Work Flow and Feedback Loop for the Rule Advisory Committee



Comments are collected at meetings. Comments are collected in writing from January to May 31 using the email address [spillsrulemaking@ecy.wa.gov](mailto:spillsrulemaking@ecy.wa.gov).

Rule Committee Topics	Meeting Dates	Content for Discussion	Date of read ahead information	Revised versions of the rule after discussions
Vessel of Opportunity (VOOs)	Jan 26	Committee Introductions & Process; Draft VOO language (pg 15-16, 42-46)		Revised VOO – February 23
Best Achievable Protection (BAP)	Feb 23	Definition of BAP (pg 3, 5-6); 5 year BAP cycle (pg 82-84); Four hour planning standard (pg 61-64, 67-69, 72); Aerial surveillance (pg 46-50); Technical manual (pg 55-58)	Feb 13	Revised BAP – March 22
VOO Continued and Drills	Mar 22	VOO revised version; Tabletop Drills including Umbrella Plan Spill Management Team drills; Deployment Drills, including large scale drill involving multiple plan holders, ERTV and wildlife (pg 86-96)	Mar 12 - This includes revised VOO language based on your comments and Supporting Documents for the discussion on Drills	Revised Drills – April 26
BAP Continued and Primary Response Contractors (PRCs). (VOO if needed)	Apr 25 & 26	BAP revised version; Shoreline Cleanup (pg 78); On-water Storage (pg 52) Contractor application & Training (98-103). VOO cont'd if needed	April 16 – This includes revised BAP language based on comments and Supporting Documents for the discussion on contractors	
Contingency Plans ½ day Natural Resource Damage Assessment ½ day	May 24	Plan content & approval (pg 23, 26-27, 84-86); Definition (pg 14); Umbrella plan supplemental resources (pg 28, 31, 40-41); Vessel Notifications (pg 16, 35-37); Facility Spills to Ground Notifications (37-38). ERTV (pg 8, 33) Liability & Claims (pg. 31); Natural Resource Damage Assessment ( Draft WAC 173-183)	May 14 – Supporting documents for Plans and NRDA	May 24 – Complete version of the rule to date will be mailed out
Conference Call	May 29	Conference call to take comments on final draft version, give committee summary from plan discussion		

# Formal Rulemaking Timeline

- ▶ CR-102 Filed:
  - Proposed Rule and Public Hearings as well as the Preliminary cost benefit analysis (CBA, SBEIS) posted 7/2012 and 8/2012 published
- ▶ Public Hearings 8/2012 (TBD)
- ▶ CR-103 Filed:
  - Rule-Making Order TBD
- ▶ Effective date of rule (after filing CR 103) +31 days

# Formal Rulemaking Timeline

Milestones	Target date
CR-101 Filed: Pre-proposal Statement of Inquiry	July 2011
Ecology Issues Draft Contingency Plan Rule to Rule Advisory Committee	January 2012
Informal comment period and issue identification / Rule Advisory Committee Meetings	January 2012- June 2012
CR-102 Filed: Proposed Rule and Public Hearings * preliminary cost benefit analysis (CBA, SBEIS)	7/2012 posted 8/2012 published
Public Hearings	8/2012 (TBD)
CR-103 Filed: Rule-Making Order	TBD
Effective date of rule (after filing CR 103)	+31 days