WAC 173-182-030 Definitions. (1) "Aerial observer" means a trained observer that monitors, records and reports the spill characteristics including the shoreline impacts, area oiled, color, and thickness of the oil. Observers also provide data to the command post through the development of detailed maps of the area oiled and the resources in the field as well as other photographs, videos, or documents developed to support planning.

(2) "Aerial oil spill spotter" (spotter) means personnel trained to:

(a) Direct vessels to the heaviest concentrations of oil;

(b) Direct dispersant resources;

(c) Direct in situ burn resources; and

(d) Observe, document and report the effectiveness of response operations.

(3) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. Ecology's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering:

(a) The additional protection provided by the measures;

(b) The technological achievability of the measures; and

(c) The cost of the measures.

(4) "Best achievable technology" means the technology that provides the greatest degree of protection. Ecology's determination of best achievable technology will take into consideration:

(a) Processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development;

(b) Processes that are currently in use; and

(c) In determining what is best achievable technology, ecology shall consider the effectiveness, engineering feasibility, and the commercial availability of the technology.

(5) "Boom" means flotation boom or other effective barrier containment material suitable for containment, protection or recovery of oil that is discharged onto the surface of the water. Boom also includes the associated support equipment necessary for rapid deployment and anchoring appropriate for the operating environment. Boom will be classified using criteria found in the ASTM International F 1523-94 (2013) and ASTM International ASTM F265/F625M-94 (2017), and the *Resource Typing Guidelines* found in the Worldwide Response Resource List (WRRL) user manual.

(6) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(7) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, three hundred or more gross tons including, but not limited to, commercial fish processing vessels and freighters.

(8) "Cascade" means to bring in equipment and personnel to the spill location in a succession of stages, processes, operations, or units.

(9) "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.

(10) "Control point" means a location along the pipeline, or rail line, pre-identified as an initial control or containment strategy to minimize impacts of spilled oil. The objective of a control point may be to contain, collect, divert or exclude oil from further impacting sensitive environmental, economic or cultural resources. Control points are designed and maintained by plan holders.

(11) "Covered vessel" means a tank vessel, cargo vessel (including fishing and freight vessels), or passenger vessel required to participate in this chapter.

(12) "Dedicated" means equipment and personnel committed to oil spill response, containment, and cleanup that are not used for any other activity that would make it difficult or impossible for that equipment and personnel to provide oil spill response services in the time frames specified in this chapter.

(13) "Demise charter" means that the owner gives possession of the ship to the charterer and the charterer hires its own master and crew.

(14) "Director" means the director of the state of Washington department of ecology.

(15) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(16) "Dispersant" means those chemical agents that emulsify, disperse, or solubilize oil into the water column or promote the surface spreading of oil slicks to facilitate dispersal of the oil into the water column.

(17) "Ecology" means the state of Washington department of ecology.

(18) "Effective daily recovery capacity (EDRC)" means the calculated capacity of oil recovery devices that accounts for limiting factors such as daylight, weather, sea state, and emulsified oil in the recovered material.

(19) "Emergency response towing vessel" means a towing vessel stationed at Neah Bay that is available to respond to vessel emergencies upon call out under the contingency plan. The emergency response towing vessel shall be available to the owner or operator of the covered vessel transiting to or from a Washington port through the Strait of Juan de Fuca, except for transits extending no further west than Race Rocks Light, Vancouver Island, Canada.

(20) "Facility" means:

(a) Any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) For the purposes of oil spill contingency planning in RCW 90.56.210, facility also means a railroad that is not owned by the state that transports oil as bulk cargo.

(c) Except as provided in (b) of this subsection, a facility does not include any:

(i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state;

(ii) Underground storage tank regulated by ecology or a local government under chapter 90.76 RCW;

(iii) Motor vehicle motor fuel outlet;

(iv) Facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or

(v) Marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(21) "Geographic Response Plans (GRP)" means response strategies published in the *Northwest Area Contingency Plan*.

(22) "Gross tons" means a vessel's approximate volume as defined under Title 46, United States Code of Federal Regulations, Part 69.

(23) "Incident command system (ICS)" means a standardized on-scene emergency management system specifically designed to allow its user(s) to adopt an integrated organizational structure equal to the complexity and demands of single or multiple incidents, without being hindered by jurisdictional boundaries.

(24) "In situ burn" means a spill response tactic involving controlled on-site burning, with the aid of a specially designed fire containment boom and igniters.

(25) "Interim storage" means a site used to temporarily store recovered oil or oily waste until the recovered oil or oily waste is disposed of at a permanent disposal site.

(26) "Lower Columbia River" means the Columbia River waters west of Bonneville Dam.

(27) "Maximum extent practicable" means the highest level of effectiveness that can be achieved through staffing levels, training procedures, deployment and tabletop drills incorporating lessons learned, use of enhanced skimming techniques and other best achievable technology. In determining what the maximum extent practicable is, the director shall consider the effectiveness, engineering feasibility, commercial availability, safety, and the cost of the measures.

(28) "Mobilization" means the time it takes to get response resources readied for operation and ready to travel to the spill site or staging area.

(29) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(30) "Nondedicated" means those response resources listed by a primary response contractor for oil spill response activities that are not dedicated response resources.

(31) "Nonfloating oil" means those oils that exhibit qualities that could potentially cause the oils to submerge or sink, due to the oil characteristics, weathering, environmental factors, or how they were discharged. Examples of these types of oils include, but are not limited to, diluted bitumen (dilbit), Group V Residual Fuel Oils (GPVRFO), Low American Petroleum Institute Oil (LAPIO), decant, crude, asphalt, and asphalt products.

(32) "Nonpersistent or group 1 oil" means:

(a) A petroleum-based oil, such as gasoline, diesel or jet fuel, which evaporates relatively quickly. Such oil, at the time of shipment, consists of hydrocarbon fractions of which:

(i) At least fifty percent, by volume, distills at a temperature of 340°C (645°F); and

(ii) At least ninety-five percent, by volume, distills at a temperature of 370°C (700°F).

(b) A nonpetroleum oil with a specific gravity less than 0.8.

(33) "Nonpetroleum oil" means oil of any kind that is not petroleum-based including, but not limited to: Biological oils such as fats and greases of animals and vegetable oils, including oils from seeds, nuts, fruits, and kernels.

(34) "*Northwest Area Contingency Plan (NWACP)*" means the regional emergency response plan developed in accordance with federal requirements. In Washington state, the NWACP serves as the statewide master oil and hazardous substance contingency plan required by RCW 90.56.060.

(35) "Offshore facility" means any facility located in, on, or under any of the navigable waters of the state, but does not include a facility, any part of which is located in, on, or under any land of the state, other than submerged land.

(36) "Oil" or "oils" means oil of any kind that is liquid at twenty-five degrees Celsius and one atmosphere of pressure and any fractionation thereof including, but not limited to, crude oil, bitumen, synthetic crude oil, natural gas well condensate, petroleum, gasoline, fuel oil, diesel oil, biological oils and blends, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 102(a) of the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by P.L. 99-499.

(37) "Oily waste" means oil contaminated waste resulting from an oil spill or oil spill response operations.

(38) "Onshore facility" means any facility, as defined in subsection (20) of this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(39) "Operating environments" means the conditions in which response equipment is designed to function. Water body classifications are determined using criteria found in the ASTM Standard Practice for Classifying Water Bodies for Spill Control Systems ASTM International ASTM F625/F625M-94 (2017).

(40) "Operational period" means the period of time scheduled for execution of a given set of operational actions as specified in the incident action plan. The operational period coincides with the completion of one planning cycle.

(41) "Owner" or "operator" means:

(a) In the case of a vessel, any person owning, operating, or chartering by demise, the vessel;

(b) In the case of an onshore or offshore facility, any person owning or operating the facility;

(c) In the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment; and

(d) Operator does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(42) "Passenger vessel" means a ship of greater than three hundred gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(43) "Passive recovery" means a tactic that uses absorbent material to mitigate impacts to shorelines.

(44) "Persistent oil" means:

(a) Petroleum-based oil that does not meet the distillation criteria for a nonpersistent oil. Persistent oils are further classified based on both specific and American Petroleum Institute (API) observed gravities corrected to 60°F, as follows:

(i) Group 2 - Specific gravity greater than or equal to 0.8000 and less than 0.8500. API gravity less than or equal to 45.00 and greater than 35.0;

(ii) Group 3 - Specific gravity greater than or equal to 0.8500, and less than 0.9490. API gravity less than or equal to 35.0 and greater than 17.5;

(iii) Group 4 - Specific gravity greater than or equal to 0.9490 and up to and including 1.0. API gravity less than or equal to 17.5 and greater than 10.00; and

(iv) Group 5 - Specific gravity greater than 1.0000. API gravity equal to or less than 10.0.

(b) A nonpetroleum oil with a specific gravity of 0.8 or greater. These oils are further classified based on specific gravity as follows:

(i) Group 2 - Specific gravity equal to or greater than 0.8 and less than 0.85;

(ii) Group 3 - Specific gravity equal to or greater than 0.85 and less than 0.95;

(iii) Group 4 - Specific gravity equal to or greater than 0.95 and less than 1.0; or

(iv) Group 5 - Specific gravity equal to or greater than 1.0.

(45) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, co-partnership, association, firm, individual, or any other entity whatsoever.

(46) "Pipeline tank farm" means a facility that is linked to a pipeline but not linked to a vessel terminal.

(47) "Plan" means oil spill response, cleanup, and disposal contingency plan for the containment and cleanup of oil spills 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 as required by RCW 90.56.210 and 88.46.060.

(48) "Plan holder" means a person who submits and implements a contingency plan consistent with RCW 88.46.060 and 90.56.210 on the person's own behalf or on behalf of one or more persons. Where a plan is submitted on behalf of multiple persons, those covered under that plan are not considered plan holders for purposes of this chapter.

(49) "Planning standards" means 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. Ecology will use planning standards for reviewing oil spill contingency plans and evaluating drills.

(50) "Primary response contractor (PRC)" means a response contractor that has been approved by ecology and is directly responsible

to a contingency plan holder, either by a contract or other approved written agreement.

(51) "Public vessel" means a vessel that is owned, or demise chartered, and is operated by the United States government, or a government of a foreign country, and is not engaged in commercial service.

(52) "Recovery system" means a skimming device, storage, work boats, boom, and associated material needed such as pumps, hoses, sorbents, etc., used collectively to maximize oil recovery.

(53) "Regional vessels of opportunity response group" means a group of nondedicated vessels participating in a vessel of opportunity response system to respond when needed and available.

(54) "Resident" means the spill response resources are staged at a location within the described planning area.

(55) "Response zone" means a geographic area either along a length of a pipeline or including multiple pipelines, containing one or more adjacent line sections, for which the operator must plan for the deployment of, and provide, spill response capabilities. The size of the zone is determined by the operator while considering available capability, resources, and geographic characteristics.

(56) "Responsible party" means a person liable under RCW 90.56.370.

(57) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(58) "Shorelines of statewide significance" means those shorelines of statewide significance defined in the Shoreline Management Act (SMA), RCW 90.58.030.

(59) "Spill" means an unauthorized discharge of oil which enters waters of the state.

(60) "Spill assessment" means determining product type, potential spill volume, environmental conditions including tides, currents, weather, river speed and initial trajectory as well as a safety assessment including air monitoring.

(61) "Spill management team (SMT)" means representatives and assigned personnel who are qualified and capable of integrating into an incident command system or unified command system and managing a spill. A company internal SMT is approved through the contingency plan and a contracted SMT is approved by ecology through the SMT application process and is directly responsible to a contingency plan holder, either by a contract or other approved written agreement.

(62) "Systems approach" means the infrastructure and support resources necessary to mobilize, transport, deploy, sustain, and support the equipment to meet the planning standards, including mobilization time, trained personnel, personnel call out mechanisms, vehicles, trailers, response vessels, cranes, boom, pumps, storage devices, etc.

(63) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(64) "Technical manual" means a manual intended to be used as a planning document to support the evaluation of best achievable protection systems for potential response capability of plan holder owned and PRC dedicated and nondedicated equipment.

(65) "Transfer site" means a location where oil is moved in bulk on or over waters of the state to or from a covered vessel by means of pumping, gravitation, or displacement.

(66) "Transmission pipeline" means all parts of a pipeline whether interstate or intrastate, through which oil moves in transportation, including line pipes, valves, and other appurtenances connected to line pipe, pumping units, and fabricated assemblies associated with pumping units metering and delivery stations and fabricated assemblies therein, and breakout tanks.

(67) "Umbrella plan" means a single plan submitted on behalf of multiple covered vessels that is prepared by a nonprofit corporation.

(68) "Vessel terminal" means a facility that is located on marine or river waters and transfers oil to or from a tank vessel.

(69) "Vessels of opportunity response system" means nondedicated vessels and operating personnel, including fishing and other vessels, available to assist in spill response when necessary. The vessels of opportunity are under contract with and equipped by contingency plan holders to assist with oil spill response activities including, but not limited to, on-water oil recovery in the near shore environment, the placement of oil spill containment booms to protect sensitive habitats, and providing support of logistical or other tactical actions.

(70) "Waters of the state" means all lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(71) "Wildlife response service provider (WRSP)" means representatives and assigned personnel who are qualified and capable of assuming the responsibilities of the wildlife branch and of staffing and managing the operational components of wildlife response activities during an oil spill. WRSP personnel will coordinate with state, federal, tribal, and other response partners to initiate and conduct wildlife reconnaissance, deterrence, capture, stabilization, and rehabilitation operations as needed. A wildlife response service provider is approved by ecology and is directly responsible to a contingency plan holder, either by a contract or other approvable written agreement.

(72) " Worldwide Response Resource List (WRRL)" means an equipment list established and maintained by spill response equipment owners.

(73) "Worst case spill" means:

(a) For an offshore facility, the largest possible spill considering storage, production, and transfer capacity complicated by adverse weather conditions; or

(b) For an onshore facility, the entire volume of the largest above ground storage tank on the facility site complicated by adverse weather conditions, unless ecology determines that a larger or smaller volume is more appropriate given a particular facility's site characteristics and storage, production, and transfer capacity; or

(c) For a vessel, a spill of the vessel's entire cargo and fuel complicated by adverse weather conditions; or

(d) For pipelines, the size of the worst case spill is dependent on the location of pump stations, key block valves, geographic considerations, response zones, or volume of the largest breakout tank. For each it is the largest volume determined from the following three different methods, complicated by adverse weather conditions:

(i) The pipeline's maximum time to detect the release, plus the maximum shutdown response time multiplied by the maximum flow rate per hour, plus the largest line drainage volume after shutdown;

For planning purposes, the total time to detect the release and shutdown the pipeline should be based on historic discharge data or, in the absence of such historic data, the operator's best estimate. At a minimum the total time to detect and shut down the pipeline must be equal to or greater than thirty minutes.

(ii) The maximum historic discharge from the pipeline; and

(iii) The largest single breakout tank or battery of breakout tanks within a single secondary containment system.

Each operator shall determine the worst case discharge and provide the methodology, including calculations, used to arrive at the volume in the contingency plan.

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-030, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-030, filed 10/12/16, effective 11/12/16. Statutory Authority: RCW 88.46.060, 90.46.050. WSR 14-15-076 (Order 13-10), § 173-182-030, filed 7/16/14, effective 8/16/14. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-030, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW. WSR 07-22-119 (Order 07-14), § 173-182-030, filed 11/7/07, effective 12/8/07; WSR 06-20-035 (Order 00-03), § 173-182-030, filed 9/25/06, effective 10/26/06.]