

WAC 173-184-115 Rate A prebooming and alternative measures requirements. (1) The Rate A deliverer must preboom oil transfers when it is safe and effective to do so. When prebooming is not safe and effective, the deliverer must meet the alternative measures requirements found in subsection (9) of this section and submit the *Ecology Boom Reporting Form* pursuant to subsection (4) of this section.

(2) The determination of safe and effective must be made prior to starting a transfer and reevaluated if conditions change before or during a transfer. To make this determination, the deliverer must use the following safe and effective threshold values. The safe and effective determination must be based on the conditions at the transfer location:

(a) Transfers at a Class 1 facility must use the facility's values found in the facility's operations manual in accordance with WAC 173-180-420.

(b) Transfers that do not occur at Class 1 facilities must use the values found in the delivering vessel's approved safe and effective threshold determination report submitted in accordance with WAC 173-184-130.

(c) For a transfer at a location not covered by an approved safe and effective threshold determination report, the deliverer must use the following safe and effective threshold values:

(i) Wind speed: Sustained 20 knots or gusts of 30 knots;

(ii) Waves: Greater than three feet;

(iii) Water current velocity: 1.5 knots or greater; and

(iv) Any combination of the above that make deploying and retrieving boom and equipment at the transfer location unsafe.

(v) The use of these values is intended for infrequent transfers at locations not anticipated when the safe and effective threshold determination report was approved by ecology. If ecology determines that a deliverer has frequent transfers at a location not covered by an approved safe and effective threshold determination report, ecology may require a new report review and approval process as described in WAC 173-184-130(4).

(d) The delivering vessel in a lightering transfer must preboom the transfer if it is safe and effective to do so. Safe and effective threshold values must be:

(i) Provided by the receiving vessel, if the receiving vessel has approved safe and effective threshold values for the transfer location; or

(ii) The values specified in (c) of this subsection.

(3) When water currents are 1 knot or less, delivering vessels must consider prebooming if it is safe to do so, even if the boom may be less than fully effective. When water currents are greater than 1 knot, delivering vessels may consider prebooming based on the expected performance of the boom.

(4) When it is not safe and effective to preboom or when conditions develop during a preboomed transfer that require removal of the boom, the Rate A deliverer must report this finding to ecology through the *Ecology Boom Reporting Form*. The form must include all observed and forecasted conditions that exceed the weather and safety values in the safe and effective threshold determination report. The form must be submitted on ecology's website or by email. Form number ECY 070-215 must be used. The form must be submitted prior to the transfer and/or immediately when conditions have changed.

(5) If a transfer is not preboomed due to conditions exceeding the safe and effective values, or if the boom is removed due to chang-

ing environmental conditions during the transfer, the Rate A deliverer must boom the transfer if it becomes safe and effective to do so. If environmental conditions continue to exceed safe and effective values, follow-up *Ecology Boom Reporting Forms* must be submitted every:

(a) Four hours for a transfer at anchor; or

(b) Six hours for a transfer at a terminal.

(6) If multiple oil transfers are occurring simultaneously with a single vessel, and one product transferred is not appropriate to preboom, such as gasoline, aviation gasoline, ethanol, nonene, and other highly volatile products with similar characteristics, then that portion of the transfer where it is not appropriate to preboom must meet the alternative measures found in subsection (9) of this section.

The portion of the transfer that is appropriate to preboom must be preboomed if:

(a) It is safe and effective to do so;

(b) Pumping is complete for the product that is not appropriate to preboom; and

(c) There are at least three hours remaining in the transfer.

(7) For the purposes of this section, the deliverer must be able to quickly disconnect all boom in the event of an emergency.

(8) Rate A prebooming requirements.

(a) In order to preboom transfers, the deliverer must have, prior to the transfer, access to boom four times the length of the largest vessel involved in the transfer or 2,000 feet, whichever is less.

(i) The deliverer must deploy the boom such that it completely surrounds the vessel(s) and facility/terminal dock area directly involved in the oil transfer operation, or the portion of the vessel and transfer area that provides for maximum containment of any oil spilled.

(ii) The boom must be deployed with a minimum stand-off of five feet away from the sides of a vessel, measured at the waterline. This stand-off may be modified for short durations needed to meet a facility or vessel's operational needs.

(iii) The deliverer must periodically check the boom positioning and adjust as necessary throughout the duration of the transfer and specifically during tidal changes and significant wind or wave events.

(b) In addition to prebooming, the deliverer must have the following available on-site:

(i) Enough sorbent materials and storage capacity for a seven barrel oil spill appropriate for use on water or land;

(ii) Containers suitable for holding the recovered oil and oily water; and

(iii) Nonsparking hand scoops, shovels, and buckets.

(c) For preboomed transfers, within one hour of being made aware of a spill, the deliverer must be able to complete deployment of the remaining boom as required in (a) of this subsection, should it be necessary for containment, protection, or recovery purposes.

(9) Rate A alternative measures. Rate A deliverers must use these alternative measures when it is not safe and effective to meet the prebooming requirements:

(a) Prior to starting the oil transfer operation, the deliverer must have access to boom four times the length of the largest vessel involved in the transfer or 2,000 feet, whichever is less.

(b) The deliverer must have the following available on-site:

(i) Enough sorbent materials and storage capacity for a seven barrel oil spill appropriate for use on water or land;

(ii) Containers suitable for holding the recovered oil and oily water; and

(iii) Nonsparking hand scoops, shovels, and buckets.

(c) The deliverer must have the ability to safely track an oil spill in low visibility conditions. The tracking system must be on-scene and ready to be deployed within 30 minutes of being made aware of the spill.

(d) Within one hour of being made aware of a spill, the deliverer must be able to completely surround the vessel(s) and facility/terminal dock area directly involved in the oil transfer operation with boom, or the portion of the vessel and transfer area that provides for maximum containment of any oil spilled.

(e) Within two hours of being made aware of a spill, the deliverer must have the following:

(i) Additional boom four times the length of the largest vessel involved in the transfer or 2,000 feet, whichever is less, available for containment, protection, or recovery; and

(ii) A skimming system must be on-site, in stand-by status, and be capable of 50 barrels recovery and 100 barrels of storage.

[Statutory Authority: RCW 88.46.160, 88.46.165, 90.56.005, 90.56.050, 90.56.200, 90.56.220, 90.56.230, and chapter 90.56 RCW. WSR 23-12-077 (Order 21-03), § 173-184-115, filed 6/6/23, effective 7/7/23. Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. WSR 06-20-034 (Order 06-02), § 173-184-115, filed 9/25/06, effective 10/26/06.]